UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1998/714
5 August 1998

ORIGINAL: ENGLISH

LETTER DATED 3 AUGUST 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1181 (1998) of 13 July 1998, by which the Security Council created the United Nations Observer Mission in Sierra Leone (UNOMSIL) and authorized the deployment of United Nations military observers to Freetown.

In paragraph 9 of that resolution, the Council welcomed my intention to establish security arrangements for United Nations personnel with the Chairman of the Economic Community of West African States (ECOWAS) and to conclude a status of mission agreement with the Government of Sierra Leone.

By paragraph 10 of the resolution, the Council decided that the UNOMSIL military observers should be deployed when I informed the Council that security arrangements and the status of mission agreement had been concluded.

I am pleased to inform you that I wrote to President Kabbah on 29 July 1998 to state the terms of the status of mission agreement and that, on the same day, the Government of Sierra Leone replied, stating its acceptance of the agreement. I have also written to the Chairman of ECOWAS proposing the activities to be undertaken by UNOMSIL and the ECOWAS Military Observer Group (ECOMOG) in accordance with the programme for the disarmament, demobilization and reintegration into society of Sierra Leonean former combatants adopted by the Government of Sierra Leone. In that letter, I drew his attention to the provision in the Government's plan that ECOMOG would have overall responsibility for security throughout disarmament and demobilization operations.

I should be grateful if you would bring this matter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

98-22851 (E) 060898

UNITED
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Security Council

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GENERAL

S/1998/715
5 August 1998

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1998 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to inform you that your letter dated 3 August 1998 (S/1998/714) concerning the establishment of security arrangements for United Nations personnel with the Chairman of the Economic Community of West African States (ECOWAS) and the conclusion of the status of mission agreement with the Government of Sierra Leone has been brought to the attention of the members of the Security Council. They take note of the information regarding the implementation of paragraphs 9 and 10 of resolution 1181 (1998) contained in your letter.

(Signed) Danilo TÜRK
President of the Security Council

98-22857 (E) 060898

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General Assembly
Security Council

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A/53/212
S/1998/716
5 August 1998
ENGLISH
ORIGINAL: FRENCH

GENERAL ASSEMBLY
Fifty-third session
Items 39 and 40 of the provisional
agenda*
QUESTION OF PALESTINE
THE SITUATION IN THE MIDDLE EAST

SECURITY COUNCIL
Fifty-third year

Note verbale dated 31 July 1998 from the Permanent Mission of Morocco to the United Nations addressed to the Secretary-General

The Permanent Mission of the Kingdom of Morocco to the United Nations presents its compliments to the Secretary-General of the United Nations and has the honour to transmit herewith the final declaration of the seventeenth session of the Al-Quds Committee, held in Casablanca, Morocco, on 29-30 July 1998, and to request that it be circulated as a document of the General Assembly, under the agenda items relating to the question of Al-Quds, the situation in the occupied Arab territories and the question of the Middle East, and of the Security Council.

* A/53/150.

98-23109 (E) 180898 180898

Final communiqué and recommendations of the 17th session of the Al-Quds Committee

Casablanca, Kingdom of Morocco

4-5 Rabiul Akhar 1419H (29-30 July 1998)

In response to a generous invitation from His Majesty King Hassan II, Sovereign of the Kingdom of Morocco and Chairman of Al-Quds Committee, the Committee held its seventeenth (17th) session in the city of Casablanca, Kingdom of Morocco, on 4-5 Rabiul Akhar 1419H, 29-30 July 1998, to consider the critical juncture the cause of Palestine and Al-Quds Al-Sharif was going through - the Islamic Ummah's prime cause - as a result of the Israeli occupation authorities' persistence in implementing their scheme designed to judaize the Holy City by having recourse to various ways and means and carrying out unilateral acts to alter the normal demographic and geographic status of the City and place the international community before a new fait accompli, prior to the negotiations on the definitive solution for the City and to influence their outcome.

Took part in the Committee's deliberations His Excellency President Yasser Arafat, President of the State of Palestine, Their Highnesses and Excellencies the Ministers of Foreign Affairs, delegations from the Committee Member States, and His Excellency Dr. Azzeddine Laraki, Secretary-General of the Organization of the Islamic Conference (OIC).

His Majesty King Hassan II, Chairman of Al-Quds Committee, opened the Committee's proceedings by highlighting the dangerous juncture which the city of Al-Quds Al-Sharif has been going through. His Majesty called on the members of the Committee to adopt a new approach as required by the Arab-Islamic events which warrant the adoption of specific decisions. His Majesty further stated that a series of measures had been finalized with respect to Bayt Al-Mal of Al-Quds, the executive body of which has now been set up and which now has its headquarters and bank accounts. It will start discharging its mission immediately.

In His address, His Excellency President Yasser Arafat, President of the State of Palestine thanked His Majesty King Hassan II for having called Al-Quds Committee to convene at this critical juncture wherein Al-Quds Al-Sharif is facing a clear threat of judaization, confronted to demographic and geographic changes, and being isolated from its Arab environment. He called for concerted efforts to save the Holy City from the Israeli occupation.

The heads of delegations then took the floor, emphasizing the serious consequences of the Israeli Government's illegal decisions and measures applied to Al-Quds Al-Sharif, particularly its latest decision pertaining to the expansion of the boundaries of Al-Quds Municipality.

In the light of the deliberations of its members, the Committee reaffirmed its total solidarity with the Palestine Liberation Organization (PLO) in its just struggle to end the Israeli occupation and re-establish the Palestinian people's inalienable national rights, including their right to return, to self-

determination and to statehood on their national soil with Al-Quds Al-Sharif as their capital. The Committee also expressed its support to the Middle East peace process and to the implementation of the agreements signed in that framework between the parties concerned along with all the commitments and pledges made on the basis of the principles of the Madrid Conference, in accordance with the United Nations resolutions, especially Security Council resolution Nos. 242 (1967), 338 (1973) and 425 (1978), as well as the "land for peace" formula which calls for Israel's immediate, total and unconditional withdrawal from all the occupied Palestinian and Arab territories, including Al-Quds Al-Sharif, the Syrian Golan back to the 4 June 1967 line and occupied Lebanese territories in accordance with Security Council resolution 425. It further stressed the need for Israel to honour the commitments it made during the negotiations and resume talks on the Syrian track from where they had ended.

Al-Quds Al-Sharif is part and parcel of the Palestinian territories occupied in 1967 - and that all that applied to the rest of the occupied territories applied to it as per the relevant United Nations decisions until the restoration of Palestinian sovereignty on Al-Quds Al-Sharif as the capital of the state of Palestine.

All legislative, administrative and settlement-related steps and measures which are designed to alter the legal status of the Holy City are null and void and inconsistent with the decisions of international legitimacy and with international conventions and covenants and contrary to the agreements signed by the Palestinian and Israeli parties.

The Committee made the following recommendations:

1. The Committee called on the Security Council to ensure the implementation of its resolutions on the protection of the status of Al-Quds, lay down mechanisms for the implementation of its resolution No. 1073 (1996) and take the necessary steps to be taken to ensure the follow up by the Security Council concerning the implementation of the content of the presidential statement issued by the Security Council on 13 July 1998, including adoption of appropriate decisions and measures in compliance with the United Nations Charter, in view of the fact that the steps taken by Israel in Al-Quds constitute a violation of the basic principle for peace in the Middle East as well as a threat to international peace and security and an act of aggression.

2. The Committee requested the international community, especially the sponsors of the peace process, the permanent members of the United Nations Security Council, the European Union and Non-Aligned countries to take a firm stand in confronting the Israeli siege of Al-Quds Al-Sharif and halt all the measures, practices and unilateral decisions aimed at judaizing the city, besieging it and isolating it from its Palestinian environment, and to endeavour for the lifting of the siege.

3. The Committee urged all countries to comply with Security Council resolution 478 (1980) calling on them to refrain from moving their diplomatic missions to the City of Al-Quds and to avoid dealing with the Israeli occupation authorities in any manner that may be construed in any way, as a tacit admission of the fait accompli imposed by Israel which considered the City of Al-Quds as

its capital. In this context, the Committee rejected the recommendation of the U.S. House of Representatives concerning the recognition of Al-Quds as the unified capital of Israel and the transfer of the American Embassy to Al-Quds.

4. The Committee urged those Islamic countries which have taken steps to normalize relations with Israel in the context of the peace process to reconsider such relations with Israel and, inter alia, to close their missions and offices until Israel complied with United Nations resolutions and carried out the agreements, pledges and commitments reached by the parties to the peace process.

5. The Committee invited the Vatican to refuse to extend recognition to Al-Quds as Israel's capital. It further called on the Eastern and other churches and Christian religious orders to contribute to efforts aimed at resisting the judaization of the City of Al-Quds so as to respect all celestial religious shrines and to preserve peaceful coexistence amongst themselves.

6. The Committee called on the Security Council to revive the International Supervision and Control Committee entrusted with preventing settlement activities in Al-Quds and the other occupied Palestinian and Arab territories, in accordance with resolution 446 (1979).

7. The Committee welcomed the invitation extended by the Swiss Government to hold, before the end of the current year, a meeting of the High Signatory Parties of the 4th Geneva Convention of 1949 on the protection of civilians in times of war in order to take the necessary measures to ensure the observance of the Agreement in the occupied Palestinian territories, including the City of Al-Quds Al-Sharif.

8. The Committee urged all States that extend economic and financial assistance to Israel, especially the United States of America, EU countries and international donor institutions and funds to halt their assistance which is used by Israel to carry out its colonial settlement schemes and designs in the occupied Palestinian and Arab territories as well as the Syrian Golan.

9. The Committee expressed its appreciation for the stand which was adopted by the European Union in refraining from importing any products originating from Al-Quds and Israeli settlements and called on the other countries to adopt the same attitude in compliance with the resolutions of international Law.

10. The Committee called upon all the countries to recognize the state of Palestine upon its proclamation on the land of Palestine pursuant to international Law; it highly valued the support of international community in raising the status of representation of Palestine in the United Nations and considered it a step in this direction.

11. The Committee urged the Islamic States to extend further support to the Palestinian national institutions and the Palestinian people with a view to enabling it to protect the Islamic and Christian sanctities, preserve the city of Al-Quds Al-Sharif and its civilizational, historical and religious heritage, and to support its steadfastness and its resistance to the Israeli occupation and settlement schemes.

12. The Committee called upon the Member States, the Islamic financial institutions, banks and funds, as well as companies and individuals to extend generous assistance in support of Bayt Al-Mal of Al-Quds Al-Sharif. It also urged them to conduct public donation campaigns for the benefit of Al-Quds Al-Sharif in order to allow the institutions and departments of Al-Quds to continue playing their role in supporting the steadfastness of the inhabitants of the Holy city in the face of occupation.

13. The Committee urged the OIC Member States to speed up the implementation of the Islamic Conference resolutions inviting the Member States to extend their voluntary contributions with the aim to cover the capital of Al-Quds fund and its waqf, each amounting to one million US dollars.

14. The Committee welcomed the nomination by His Majesty King Hassan II, Chairman of Al-Quds Committee, of Mr. Wajih Hassan Al Qassim as Director of Bayt Al-Mal of Al-Quds Al-Sharif.

15. The Committee endorsed the trusteeship committee of Bayt Al-Mal of Al-Quds Al-Sharif provided for under Article 6 of the statute with the following membership:

1.	State of Palestine	(Permanent Member)
2.	Kingdom of Morocco	(Permanent Member)
3.	Kingdom of Saudi Arabia	(For a period of three years)
4.	Islamic Republic of Iran	(For a period of three years)
5.	Republic of Senegal	(For a period of three years)

16. The Committee called upon Bayt Al-Mal of Al-Quds to take steps to start discharging its duties as specified in its status, including collection of donations and the possibility of issuing bonds in accordance with the provisions of Islamic Law. Such a Fund shall contribute to financing steadfastness operations in Al-Quds Al-Sharif.

The Committee expressed its deep appreciation and gratitude to its Chairman, His Majesty King Hassan II, Sovereign of the Kingdom of Morocco, for the continuous efforts He has been and is still exerting at all Arab, Islamic and international levels to promote and uphold the cause of Palestine and Al-Quds Al-Sharif and also for the gracious invitation extended by His Majesty for this important session to convene in the city of Casablanca.

The Committee also expressed its deep gratitude and appreciation to His Majesty's Government and the brotherly people of Morocco for the warm welcome and generous hospitality extended to the participating delegations.

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Security Council

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GENERAL

S/1998/717
5 August 1998

ORIGINAL: ENGLISH

LETTER DATED 5 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE OF NIGERIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward to you, on behalf of the Chairman of the Economic Community of West African States and Head of State of the Federal Republic of Nigeria, General Abdulsalami Alhaji Abubakar, the text of the final communiqué issued at the end of the first meeting of Ministers for Foreign Affairs of the Committee of Seven on Guinea-Bissau of the Economic Community of West African States, held at Accra on 4 August 1998 (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) Ibrahim A. GAMBARI
Ambassador
Permanent Representative

98-22895 (E) 060898

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Annex

Final communiqué of the first meeting of Ministers for Foreign Affairs of the Committee of Seven on Guinea-Bissau of the Economic Community of West African States, held at Accra on 4 August 1998

1. Following the meeting of Ministers for Foreign Affairs and Defence of the Economic Community of West African States (ECOWAS) held at Abidjan on 3 July 1998, at which a decision was taken to constitute a Committee of Seven on Guinea-Bissau, ECOWAS Ministers for Foreign Affairs of the said Committee held their first meeting on 4 August 1998 at Accra, Ghana.

2. The following Member States were represented at the meeting of the Committee of Seven:

- Burkina Faso
- Republic of Côte d'Ivoire
- Republic of Gambia
- Republic of Ghana
- Republic of Guinea
- Federal Republic of Nigeria
- Republic of Senegal

3. The meeting was also attended by representatives of the Secretariat of the Organization of African Unity and the ECOWAS secretariat.

4. The representative of the Secretary-General of the United Nations also honoured the invitation to attend the meeting.

5. The Minister for Foreign Affairs of Guinea-Bissau, as a special guest, briefed the meeting on the situation prevailing in his country.

6. The Ministers reviewed the situation in Guinea-Bissau and recalled that the primary objective of ECOWAS in that country is the restoration of peace and restitution of the authority of the Government of the elected President Joao Bernardo Vieira.

7. They also recalled the mandate of the Committee of Seven as defined by the joint ministerial meeting held at Abidjan on 3 July 1998, reviewed the extent to which that mandate had been implemented and identified those tasks which remained to be completed.

8. The Ministers noted the political developments in Guinea-Bissau since the joint ministerial meeting was held at Abidjan on 3 July 1998 and specifically

the ongoing initiatives by the Community of Portuguese-Speaking Countries in that ECOWAS Member State.

9. The Ministers welcomed the truce declared by the loyalist troops and the rebel forces.

10. They stated that lasting peace could not be achieved in Guinea-Bissau unless initiatives to resolve the crisis are undertaken within the context of efforts to safeguard subregional security.

11. They underscored the need to support regional or subregional African initiatives to ensure peace and security, as repeatedly stated by the United Nations. They also recalled the unwavering support of the Organization of African Unity for conflict resolution efforts undertaken by ECOWAS.

12. The Ministers reaffirmed that ECOWAS must play a primordial role in the resolution of the crisis in Guinea-Bissau. They recalled that the mandate of the ministerial Committee of Seven was to closely monitor events as they unfolded in the crisis in Guinea-Bissau.

13. They expressed their preparedness to cooperate with the Community of Portuguese-Speaking Countries and to support any other initiatives which might contribute to the realization of ECOWAS objectives in Guinea-Bissau.

14. The Ministers agreed that the delegation of the Committee of Seven should proceed immediately to Guinea-Bissau to meet with President Joao Bernardo Vieira, the Government and the other party to the conflict.

15. The Ministers reaffirmed their support for Guinea and Senegal and expressed gratitude to the neighbouring countries which continued to welcome and extend hospitality to refugees from Guinea-Bissau, despite the difficult situation in their own countries.

16. They expressed appreciation to the United Nations and to all other institutions engaged in providing humanitarian assistance to civilian victims of the rebellion of 7 June 1998.

17. The Ministers for Foreign Affairs of the Committee of Seven on Guinea-Bissau of ECOWAS expressed profound gratitude to His Excellency Jerry John Rawlings, President of the Republic of Ghana, and to the Ghanaian Government and people for the generous hospitality and the excellent facilities made available for the success of their meeting.

UNITED NATIONS **S**

Security Council

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S/1998/718
5 August 1998
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 5 AUGUST 1998 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the attached letter from Mr. Tariq Aziz, Deputy Prime Minister, dated 5 August 1998 setting out the essential facts concerning Iraq's implementation of the requirements of section C of Security Council resolution 687 (1991), and of resolution 715 (1991), and the attempts of the Special Commission to conceal those facts. Attached to the letter is a resolution of the Revolution Command Council and the Iraqi Regional Command of the Arab Baath Socialist Party dated 5 August 1998 concerning the work of the Special Commission.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

98-22870 (E) 050898 050898

Annex I

[Original: Arabic]

Letter dated 5 August 1998 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

I wish to place before the Security Council the essential facts concerning the position with respect to the implementation of the requirements of section C of the Council's resolution 687 (1991) and of its resolution 715 (1991).

The Special Commission has been working for more than seven years in Iraq. Up to our most recent meeting with Mr. Richard Butler, Executive Chairman of the Special Commission, on 3 August 1998, the Special Commission had refused to inform the Security Council of the essential facts of the situation. Instead, the Special Commission had continued with its old and well-known methods of concentrating on details of no value with respect to the requirements of section C of resolution 687 (1991). It had also continued with its methods of obfuscation and misinformation by referring to marginal issues, and misleading the Council and world public opinion into thinking that those issues were of some importance with respect to the requirements of disarmament. In addition, it had attempted to conjure up the crises and provocations which characterized the work of the Special Commission throughout the past seven years. The purpose of this was entirely clear, namely to perpetuate the embargo in accordance with the policy of the United States of America.

At the latest meeting between the Chairman of the Special Commission and myself on 3 August 1998, after reviewing the results of what had been done since we last met on 13 and 14 June 1998, I addressed the following questions to Mr. Butler:

1. Are you prepared to inform the Security Council that Iraq has entirely disposed of all the weapons prohibited under resolution 687 (1991) in the three areas (missiles, chemical and biological), or have you tangible proof to the contrary?

2. Are you prepared to inform the Security Council that the factories, equipment and devices which the Special Commission regarded as being connected with weapons have been destroyed? And that the factories, sites, equipment and devices that remain, which are referred to as being of "dual use", are all being strictly and comprehensively monitored? And that, consequently, Iraq is not capable of resuming production of such weapons?

3. Are you prepared to inform the Security Council that the Special Commission, since the establishment of the monitoring regime in 1994, has not observed any serious violation by Iraq with respect to the resumption of the production of the prohibited weapons?

Mr. Butler replied that he was "not able" to say that to the Security Council.

I asked him: "Why are you not able to do so? Are they not facts? In that case, why not notify them to the Security Council?" He said that it was because more verification was needed.

I said to him: "The Special Commission has carried out the following activities over seven years which are fully capable of verifying those facts. The activities are as follows:

1. The number of inspection teams that visited Iraq between 1991 and 2 August 1998 is 260.

2. The number of sites inspected and visited by the inspection teams and monitoring groups is 9,340.

3. The number of sites subject to permanent monitoring is 496.

The Executive Chairman of the Special Commission said that more verification was still required.

At our meeting on 3 August I reported the following facts concerning the so-called "verification" carried out by the Special Commission.

At the meetings that we had with Mr. Butler on 13 and 14 June 1998, we agreed to a schedule for work that would cover three areas (missiles, chemical weapons and biological weapons) and focus on outstanding disarmament issues, pursuant to Security Council resolution 687 (1991), section C, with a view to resolving them in a definitive manner, so that the Security Council would be able to implement paragraph 22 of resolution 687 (1991) within a short space of time. We also agreed to review the results of the work at our next meeting in August 1998.

What has happened in the intervening period?

I. Missiles

According to the Special Commission, there are two outstanding issues in this file: the material balance of the destroyed missile warheads, particularly the warheads containing chemical and biological agents, and final consideration of the status of indigenous production of engines and gyroscopes.

1. Re-excavation work at the sites where the destroyed warheads were buried in 1991 began in April 1998 and continued in an intensive manner until July 1998. This work was done, despite the fact that everyone knows that the missile warhead itself does not constitute a weapon, unless it is attached to a missile that is capable of carrying it to the target, and despite the fact that the Scud missile propellants and the missile launchers have been destroyed, as was verified by the Special Commission in August 1997. We worked with the Special Commission throughout this period to define the material balance of the warheads and we demonstrated our full commitment to removing all obstacles to the closure of this file, so that the entire matter may officially proceed from the disarmament stage to the monitoring stage.

In the meeting between the Iraqi side, led by Lieutenant General Engineer Amer Mohammed Rashid, and the Special Commission, headed by Mr. Nikita Smidovich, in July on this issue, the Iraqi side provided substantive details about the complete material balance of the destroyed special warheads and the Special Commission team raised no objections about our conclusions.

However, rather than acknowledge this fact, taking it to be the last stage in the closure of the file, the Special Commission team, headed by Mr. Nikita Smidovich, raised a number of trivial matters, which were not germane to the basic issue, asking several questions as an excuse for further verification!!! We have included in appendix I to our present letter a list of the questions which the Special Commission team raised.

2. The second outstanding issue relating to missiles, according to the Special Commission, is indigenous production of engines and gyroscopes. A meeting was held on this subject in July 1998, in accordance with the schedule for work, with the Iraqi side being led by Lieutenant General Engineer Amer Mohammed Rashid and the Special Commission team by Mr. John Laraby.

As a background to this subject, I should like to state that Iraq attempted before 1991 to produce missiles through indigenous efforts. The Special Commission was informed after 1995 in a long series of meetings of the basic facts of the matter, to the effect that Iraq had not fully succeeded in producing indigenous engines or gyroscopes. One of the facts that bear this out is that, during the military operations between 17 January and 28 February 1991, Iraq did not use any missiles other than advanced Scuds. However, the Special Commission persisted with its so-called "verification". After three years of these verification activities, we thought we had laid this question to rest in a meeting in July, held in the context of the work schedule we had agreed on with Mr. Butler in June.

In the meeting, the Iraqi side established the basic facts concerning the lack of success in attempts to produce rocket engines and guidance systems (gyroscopes) locally. The Special Commission team, under the leadership of John Laraby, was unable to refute the Iraqi statements. However, instead of taking a decision on this fact and focusing on it, the team brought up - under cover of increased verification - marginal issues. As a glaring example of that, one member of the team raised questions, and the team leader, John Laraby, confirmed that they were important for verification purposes. Yet the questions concerned the import of a turbo pump for a rocket engine. Appendix II to our letter lists those questions.

II. The chemical area

The points that needed to be followed up in this area under the joint work programme agreed on in June 1998 were the following:

1. The results of the chemical analysis of the samples of the remaining warheads and the other samples taken at the installation Al-Muthanna Al-Ammah. Additional samples were taken by the Special Commission from the soil and the remaining warheads from the destruction sites.

2. The material balance of the special ammunition:

- The 155-mm mustard-gas projectiles that were lost;

- The R400 aerial shells.

3. The material balance of the equipment for the production of chemical weapons, and the presentation by Iraq of clarifications concerning the transport of glass containers of material for production of chemicals.

The results of the meeting held in July, which was chaired on the Iraqi side by the team of Dr. Amir Al-Sa'di, and on the Special Commission side, by Mr. Ivor Matrukhin, were as follows:

1. The Iraqi side demonstrated that the material balance of the R400 shells was complete and that the shell could be used only in combination with an additional part, and that these parts existed, and could be verified. Yet the Special Commission team postponed immediate verification until a later date!

2. As to the 155-mm shells that were lost, the Special Commission was informed of the results of the verification carried out by the Iraqi side, to the effect that, during the war or during the disturbances of March 1991, a shipment containing this type of shell was set on fire. A Special Commission team visited the site where the shipment was destroyed, and the results clearly proved that fact. In addition, the Special Commission team visited the extensive site where the remains of various materials had been buried, believing it to be the site where the remains of those shells had been buried.

It was explained to the Special Commission that this question could not constitute an obstacle to closing the chemical file from the standpoint of disarmament. It is one of the issues that can be followed up in the context of the monitoring phase, since the basic facts of this matter are:

(a) The Special Commission closed the chemical file in 1995, without postponing this issue, for a well-known reason: the material in question constituted less than 5 per cent of this type of material verified by the Special Commission during the destruction, or destroyed by it directly.

(b) The material in question was destroyed by fire, and we informed the Special Commission of the place where it had been burnt and the circumstances of the destruction.

In the light of the foregoing, this issue does not constitute a serious obstacle to closing the chemical file from the disarmament standpoint. This issue and other secondary issues can be followed up in the context of the monitoring phase. However, the Chairman of the Special Commission refused to do so and requested increased verifications!

(c) The Special Commission stormily announced that it had found the remains of the VX agent in some of the missile warheads destroyed, knowing that Iraq had repeatedly declared that it had not armed the missile warheads with that agent. This matter is reported to the Executive Chairman as follows:

(i) If Iraq had armed warheads with the VX agent, there is no reason why it should not declare this publicly, particularly as it has already disclosed that it armed missile heads with other chemical and biological materials.

(ii) It would make no sense for Iraq not to disclose its arming of warheads with the VX agent, in an attempt to conceal them. A missile head does not, in and of itself, constitute a weapon, as we have already stated, but needs a missile to carry it.

(iii) If we had deliberately failed to disclose this fact for the purposes of concealment, how could traces of these warheads have been found in the destruction sites?

All these points demonstrate that there are one or more other reasons which may explain why the Special Commission claims to have discovered, in the warheads of destroyed missiles, traces of decomposed chemical substances which could be elements of the VX agent. The traces which were discovered could result from the decomposition of other chemical substances or from the use of equipment which had already been used to produce the VX agent to place other substances in missile warheads. At all events, this is a purely scientific question which can be settled by the experts. I would add that the final result will change nothing as to substance, since the chemical weapons have been destroyed and the monitoring activities are ensuring that we are not manufacturing any new weapons. I have asked Mr. Butler to recognize these facts, but he has refused to do so.

III. Biological weapons file

Since 1996, the Special Commission has been engaged in distorting reality with regard to the biological weapons programme. It has deliberately concealed essential facts concerning this programme and spread lies and rumours in coordination with United States services.

The essential facts concerning this programme are as follows:

1. The programme was newly established. Its planning was not complete and it lacked the necessary personnel and expertise, particularly in respect of weapons. Because of the lack of specialized senior personnel, it had not become operational.

2. The equipment used in the context of the programme could not produce biological agents, and Iraq was not able to import the necessary equipment for this purpose.

3. Iraq completely dismantled the programme in 1991.

4. All the details concerning this programme were communicated to the Special Commission in September 1995.

5. For three years, the Special Commission has carried out innumerable inspections and organized a large number of meetings in order to verify Iraq's

declarations. Forty-five teams of biological weapons experts inspected 334 sites, and 13 of them met 256 persons. The monitoring teams of biological weapons experts carried out 1,048 inspections during this period.

6. A material balance of missile warheads which had been filled with biological agents and R400 air missile shells was drawn up.

7. All the factories were destroyed, and also a large number of items of equipment which, according to the Special Commission, had been used in the programme, although some of these factories had been established after 1991 for strictly civilian purposes. The operations of destruction, motivated by a spirit of vengeance, were carried out on a large scale. At the Al-Hokm factory, for example, not only industrial equipment, but also furniture, offices, cooling equipment, refrigerators, electrical transformers and scientific manuals were destroyed. We accepted this sacrifice after the Special Commission promised us that the destruction of Al-Hokm in that manner was the most important stage in closing the biological weapons file.

8. Some very important documents substantiating Iraq's statements have been provided to the Special Commission.

9. The Special Commission has carried out inspections for more than seven years. It has not found any biological weapon or agent, even though its teams have used very advanced scientific methods to detect any sign of past or ongoing biological activity at the sites inspected. Moreover, the Special Commission has not been able to prove the existence of past or ongoing biological activities at the sites which were not declared by Iraq, which have been destroyed.

10. The Special Commission has affirmed that 95 sites could be used for biological activities. These sites are under permanent, total and very strict surveillance.

Despite all these essential facts, the Special Commission is refusing to recognize the truth of the Iraqi statements. It affirms that these statements cannot be verified, although it has been engaged in this task for over three years.

On 5 November 1997, during a meeting with the delegation of the Secretary-General of the United Nations, led by Mr. Al-Akhdar Al-Ibrahimi, we gave examples of verification procedures which the person in charge of the biological weapons file, Mr. Spertzel, adopted during the previous period. These examples were viewed with surprise and irony.

We agreed, with Mr. Butler, to hold meetings in which international experts would participate in order to consider this file, but this is what happened:

(a) The Special Commission insisted that the meeting should be held at Vienna instead of Baghdad, which prevented all the Iraqi experts who are familiar with the file from attending the meeting for reasons associated with the embargo;

(b) The Special Commission had lengthy meetings with the experts beforehand and explained to them the aspects it considered to be negative, without giving the Iraqi side an opportunity to do the same.

(c) The Special Commission drew up a timetable for the work of the meeting, formulated the questions and determined the way in which the meeting would take place. Many questions were tendentious and political and had nothing to do with disarmament. That was why at the meeting which took place in Vienna, from 20 to 27 March 1998, it was not possible to resolve the problem posed by this file. When I met Mr. Butler in June, I therefore proposed to him that we should organize another meeting in Baghdad in order to study the file in an in-depth and objective manner. We decided that the meeting would be concerned essentially with fundamental issues, in other words weapons, filling and individual destruction, and then production and growth media.

During the meeting, held in Baghdad in July 1998, we were surprised to note that the delegation from the Special Commission was not focusing on the priority issues relating to disarmament, as agreed with Mr. Butler. As the Special Commission had done before, the delegation raised questions which bore no relation to the fundamental questions concerning disarmament. Little attention was paid to the experts, who were present to give a scientific and technical evaluation of what Iraq had produced in terms of biological weapons and the effectiveness of such weapons in the event that the material balance of some of them showed a slight deficit.

To resolve this question, I was obliged to meet the head of the delegation, Mr. Soelström, who asked to be accompanied by Mr. Spertzel, who is a United States national. The meeting therefore took place in the presence of Mr. Spertzel. I indicated to Mr. Soelström that, during the work between his team and the Iraqi team, directed by the army corps general Mr. Amer Al-Sa'di, emphasis had not been placed on essential issues relating to disarmament, as agreed with Mr. Butler in June. He replied that he had not been given any instructions to that effect. On 3 August, I raised this question during my meeting with Mr. Butler. I asked him why he had not given any instructions following our agreement. He did not reply.

Thus we were in a sense going around in a kind of vicious circle created by the Special Commission with regard to this file. In a letter dated 23 July 1998, I proposed to Mr. Butler that, at our next meeting on 3 August, he and I should preside over a special meeting devoted to a review of this file in terms of two aspects, disarmament obligations, on the one hand, and evaluation of what had been achieved so far (see appendix III), on the other, but Mr. Butler rejected this proposal (see appendix IV).

These facts about what happened at the meeting between Mr. Butler and myself and on the method of work adopted by the Special Commission during the period from 14 June to 3 August 1998, when the Chairman of the Special Commission refused to follow up my legitimate request that the facts in question (pages 2 and 3) should be communicated to the Security Council, a refusal which the Special Commission could not justify by any concrete argument, raise a fundamental issue: what is the value of holding these meetings and of cooperation with the Chairman and the members of the Special Commission if the

Chairman cannot, as he indicated, communicate to the Security Council the facts about these meetings and the work carried out jointly? What is the value of these meetings if the Special Commission is determined to continue to resort to these deliberate delaying tactics by mixing essential issues relating to disarmament and the obligations envisaged in section C of Security Council resolution 687 (1991), on the one hand, and the often entirely secondary issues which it insists on raising?

We have raised the question of the working methods of the Special Commission in many letters which we have sent to you over the last few years, particularly during the last crisis, between the months of October 1997 and February 1998, and we brought up the issue on 5 November 1997 with the delegation sent by the Secretary-General and headed by Mr. Lakhdar Brahimi. We raised this issue again with the Secretary-General of the United Nations during the discussions we had with him on 22 and 23 February 1998. We brought up the issue again during our discussions with the members of the Security Council.

At all these meetings we also raised the fundamental issue of the composition of the Special Commission and the control exercised by the United States of America and the United Kingdom, which has repercussions on the inspection and verification methods and the drawing up of reports sent to the Security Council, with all that that entails in the way of political statements and false allegations which are hostile to Iraq to support the positions of the Special Commission and its methods of work.

Despite some measures taken in this respect, the appointment of new members to the office of the Special Commission in New York and the inclusion of experts from other countries which are permanent members of the Security Council in some inspection teams, the situation has not changed and the United States and United Kingdom members of the Special Commission are continuing to direct all its activities and define the directions of its work.

Considering that the United States of America and the United Kingdom have political objectives which are hostile to Iraq and are unrelated to the Security Council resolutions, the domination by these countries of the work of the Special Commission raises a fundamental problem.

Iraq, for its part, has fulfilled the obligations envisaged in the Security Council resolutions and cooperated with the Special Commission, to which it has supplied all the information and documents available to it and provided all the necessary explanations, but the Special Commission is not prepared to tell the truth by announcing that the main task entrusted to it in implementation of section C of Security Council resolution 687 (1991) has been completed. This is an illegal, politically motivated stand which is not based on any scientific or technical foundation.

Moreover, even when the technical arguments militate in favour of the closure of a given file, the United States of America and the United Kingdom are opposed and, every time these two countries have an opportunity to use their right of veto, they obstruct any measure going in the direction of justice and equity which the Security Council might take. This is what happened in July in the case of the nuclear file, which proves that we are in a situation in which

the embargo against Iraq is maintained whatever it does and whatever measures it takes.

The Iraqi leaders have warned against such a situation on various occasions, notably on 1 May 1998, in the address by the President of the Republic, on 17 July 1998, and finally in the latest communiqué issued on 30 July 1998, which was officially transmitted to the Security Council and to the Secretary-General of the United Nations. Despite this warning, the Special Commission did not follow up on the heartfelt appeal we made in the communiqué in question and persisted in its methods which are directed at maintaining the embargo to serve the criminal policy of the United States of America aimed at killing the Iraqi people and destroying Iraq. Our communiqué of 30 July 1998 clearly stated that this situation was unacceptable because Iraq cannot sustain all these losses, these expenses and these threats to its security and its sovereignty as long as the embargo remains in place.

It is for this reason that the Iraqi leaders took a number of decisions to preserve their legitimate national interests, put an end to the flagrant injustice being perpetrated against the great Iraqi people for many years, and make international public opinion aware of the serious turn of events and the nature of the injustice created and maintained by the United States of America.

The communiqué issued on 5 August 1998 by the Iraqi political leadership is annexed to this letter.

Iraq has cooperated with the Security Council, the Special Commission and the International Atomic Energy Agency and has fulfilled all its obligations in good faith to have the embargo imposed on its people lifted, but this spirit of cooperation and these measures have not led to a lifting of the embargo, which has been maintained unchanged for eight years. Thus, Iraq cannot continue to endure this injustice, and we hope that the Council will carefully consider, in all good faith, the decisions it has taken and the proposals it has made so as to put an end to iniquity and restore justice.

(Signed) Tariq AZIZ
Deputy Prime Minister

Appendix I

[Original: English]

Examples of the questions raised by the United Nations Special Commission

1. What is the type, weight, size and diameter of each bomb?
2. How many people lifted each bomb?
3. Was the excavator a shovel or Poclain?
4. Was it wheeled or truck?
5. Is it that one with the big arm?
6. Was it a big or small one?
7. How wide was the blade?
8. When you got to that site, what did it look like?
9. Was it flat, a valley or a hill?
10. Did you fill in the pits which were dug up?
11. How far did the fragments travel?
12. Where did you put the things (fragments) you collected?
13. Had the tyres of your vehicle been punctured?
14. Did you have any problem in arriving at the pits, such as punctured tyres?
15. Did you take a vehicle to that pit or did you walk?
16. Were the shovel and Poclain used in the same pits?
17. Were the piles (of the fragments) of the same size or was there one large and the others smaller?
18. Were the piles collected inside the pits or at the top of the pits?
19. Were things thrown from the top to the bottom of the pits?
20. Was your truck wheeled or truck?

Appendix II

[Original: English]

Questions regarding the receiving of the foreign turbo-pump for the test run on 13 September 1989

1. Who on the Iraqi side received the pump?
2. Who on the Iraqi side was also present?
3. Who handed over the pump (all persons)?
4. Who was asked to hand over the pump?
5. When did you ask to be given one pump beforehand?
6. Was this desire also expressed in writing?
7. When was the pump handed over (date)?
8. When was the pump built into the engine for testing?
9. Which airline was used to bring the pump to Iraq?
10. Which were the flight data?
11. Which airport in Iraq was used?
12. What were the packings for the pump?
13. Were the packings original Thyssen packings?
14. Was the packing of the pump different than for the other pumps?
15. How was the package labelled?
16. How was the pump brought through customs?
17. How was the pump transported from the airport to your facilities?
18. Where exactly (location) was the pump handed over?
19. Had the pump been tested in Germany before delivery?
20. Were there additional customs papers for the pump?
21. Who paid for the transport?
22. How much was paid for this transport?

23. Did the pump bear a serial number?

24. Were there any differences between this pump and the following pumps?

25. Is this pump to be considered additionally to the contracted 35 pumps?

26. If the first pump was brought in the autumn and three in January, what did the box, which was supposed to contain five pumps, really contain?

27. How long did the people who handed over the pump stay in Iraq?

28. Which airline did they use to go back; when did they leave Iraq (flight data)?

29. Anything to add?

Appendix III

[Original: Arabic]

Letter dated 23 July 1998 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

With reference to the programme of our next meeting in Baghdad to be held from 3 to 4 August 1998, I should like to point out that the outcome of the meetings which were held in Baghdad from 17 to 22 July on the question of the biological file (Group 250) did not succeed in closing the gaps between the two sides. Therefore, we deem it highly important to devote sufficient time to this issue during our next meeting, in order to be able to study it intensively from the political and technical angles. This may require an extension of your stay in Baghdad for as long as necessary, and the participation of the largest possible number of experts from both sides in considering the issue in question during the next meeting.

We hope that you will attach high priority to this matter.

(Signed) Tariq AZIZ
Deputy Prime Minister

Appendix IV

[Original: English]

Letter dated 24 July 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

I write in response to your letter of 23 July 1998.

Your proposal rests on a basic contention that, in your words, "the outcome of the meetings ... did not succeed in closing the gaps between the two sides". Two points must be made about that contention.

First, I do not know in any authoritative way what the outcome was because I have not yet received the Chief Inspector's report. I am interested that it appears that you do.

Secondly, I have a problem with the notion of "gaps" between the two sides because it, fundamentally, misrepresents both the nature of the relationship, which, according to the Security Council, should prevail between the United Nations Special Commission and Iraq and the terms of reference of the meetings held at Baghdad from 17 to 23 July 1998.

That relationship is that Iraq should declare in full and truthfully all relevant proscribed programmes, in this case, in the field of biological weapons and that the United Nations Special Commission should seek to verify those declarations. The recent meetings at Baghdad were to have operated under these basic principles.

To describe our inability to carry out our side of the work as a mere "gap" is to depart very far from the fact of the inadequacy of Iraq's past declarations, as identified on at least three occasions by independent groups of international experts.

The proposal you now make is similar to what you proposed, and we discussed, during my last visit to Baghdad, in June 1998. At that time, I made clear that while the biological weapons area might benefit from a change in methodology, the fundamental problem remained that of achieving a full and verifiable accounting of the Iraqi biological weapons programme to the satisfaction of qualified scientists. This is a matter of establishing facts, not of negotiation between two positions. Hence, during the June meeting, I agreed to our renewed, indeed fourth, effort by international experts, including those from countries which you specifically designated, to meet with their Iraqi counterparts in Baghdad to once again review Iraq's declarations. The duration of the meeting was to be determined by the team leader.

This meeting has now been completed and I look forward to receiving the team's report next week. If it proves to be "unsatisfactory", as you say it will, we will need to analyse why that is the case. It is premature, at this

stage, to conclude that political level discussions, no matter of what duration, would correct a problem which has been long-standing, repeatedly addressed and has always rested on the failure of Iraq to provide concrete and verifiable technical information.

It continues to be our firm position that resolution of the biological weapons area can be accomplished with the provision of further documents and other verifiable information by Iraq, which Iraq possesses.

It is not the job of the Special Commission, as a technical subsidiary organ of the Security Council, to negotiate over what Iraq should or should not provide, or to intervene in the work and the assessments of experts.

Consequently, while we can discuss the status of the biological area and possible next steps which might be taken towards resolving the serious problem of Iraq's unwillingness to provide relevant materials, I cannot agree to the notion that the substance of this matter is one which can be resolved at the political level or by political negotiation, if the Security Council's concrete requirements are to be met.

Naturally, we can discuss future work and meetings both by experts and at our level. If Iraq were, in the interim or during my visit, to provide significant new information and documentation, I believe we would be able to agree upon the procedures for speedy, expert evaluation of such new materials. Discussion of such procedures could be accommodated during the time schedule already established for my visit to Baghdad. I assure you that I and my colleagues are ready to work intensively during that period.

(Signed) Richard BUTLER

Appendix V

[Original: Arabic]

Statement issued by Revolution Command Council and the Iraqi Regional Command of the Arab Baath Socialist Party

In the Name of Allah, the merciful, the compassionate

"To those against whom war is made, permission is given (to fight), because they are wronged; - and verily, Allah is most powerful in their aid"

Great striving people,

Fellow members of the glorious Arab Nation,

Freemen and righteous men of the world,

For eight harsh years, Iraq has suffered unjust, oppressive and unparalleled sanctions which are unprecedented in recent history. As the whole world knows, these sanctions have led to the death of millions of Iraqi children, women and elderly persons, the deprivation of the proud people of Iraq of the most basic humanitarian needs, and the deterioration of the economic and scientific infrastructure built over decades through the efforts and resources of the Iraqis, denying them their legitimate right to development and progress and causing serious damage to the social structure of the country.

Iraq has accepted the resolutions of the Security Council and has implemented them over seven years of toil and hard work. This has entailed tremendous losses and unbearable costs, which were detailed in the statement issued on 30 July 1998. Iraq has fulfilled all the obligations imposed on it in the hope that this would lead initially to the lifting of the unjust sanctions through the implementation of paragraph 22 of Security Council resolution 687 (1991) and finally to the elimination of all other types of sanctions.

However, the United States of America has resorted to all ways and means to maintain the unjust sanctions in all their manifestations and in all areas of life and to obstruct and prevent any action by the Security Council that would recognize what Iraq has achieved in fulfilling the requirements of Security Council resolutions for the elimination of the sanctions. Foremost among the instruments used by the United States of America is the Special Commission. The United States of America controls the Commission's leadership, activities and mode of operation. Thus, the Commission has been turned into a disgraced instrument for implementing the criminal American policy against Iraq either by finding pretexts and fabricating crises with a view to maintaining the sanctions or by spying over Iraq and threatening its national security and sovereignty.

Throughout the past years, Iraq has raised this issue. Several crises have arisen, especially last year over the period which began in October 1997 and continued until 23 February 1998 when an agreement was concluded with the

Secretary-General. But this agreement and all other efforts failed to rectify this situation, which remains unchanged. The Commission continues to fabricate false pretexts to perpetuate its work indefinitely. The United States of America blatantly and shamelessly continues to pursue its criminal policies of maintaining the sanctions in contravention to the text of the Security Council resolutions and the principles of international law.

Furthermore, since 1991 the United States of America has committed flagrant and gross violations of Iraq's sovereignty and territorial integrity. It continues to do so by imposing an illegal air siege against the northern and southern parts of Iraq. It openly declares its criminal schemes against Iraq by allocating funds to finance illegal activities aimed at intervening in Iraq's internal affairs to commit acts of sabotage and terrorism in the country.

Since 1 May 1998 we have been issuing candid, clear and sincere statements, in addition to some previous warnings during the last three months, against the consequences of such a position. We have also emphasized that the people of Iraq and its leadership cannot tolerate such an intransigent position of injustice, and called upon the Security Council, the Secretary-General of the United Nations and the international community to adopt a fair and firm position aimed at redressing this anomaly by putting an end to it and lifting the unjust sanctions imposed against the people of Iraq.

Yet these serious and sincere statements have remained unheeded, with the United States of America persisting in its policy and criminal schemes. For its part, the Special Commission has continued to implement such a policy, as may be seen from the proceedings of the last meeting between the representatives of the Commission and of Iraq when the Chairman of the Special Commission refused to endorse officially the substantive facts about Iraq's compliance with section (g) of Security Council resolution 687 (1991) and to inform the Security Council accordingly, even though these facts have been established and published for years.

We should also like to refer to the position of the United States of America when it rejected the proposals that were recently put before the Security Council to move the nuclear item from the status of disarmament to that of monitoring, even though this has been the situation since 1992 with the endorsement of a significant number of members of the Security Council.

In the light of the current circumstances, which confirm that Iraq will always be under siege regardless of what it does, and regardless of its fulfilment of the Security Council's requirements, the Command has reviewed the situation, recalling its message to the Security Council dated 1 May 1998, the speech delivered by President and Leader Saddam Hussein (may God be his guardian) on 17 July, and its statement issued on 30 July. In the light of the decisions taken by the National Assembly, the appeals issued and the positions taken by grass-roots and people's organizations, together with the unions, professional and popular associations and the political parties of the land, the Command has taken the following decisions to be conveyed to the Security Council and to the Secretary-General of the United Nations:

I - Since Iraq has fulfilled all the commitments required in section (C) of Security Council resolution 687 (1991), Iraq calls upon the Security Council to apply paragraph 22 of resolution 687 (1991) as a first step on the road leading to the complete and total lifting of sanctions.

II - Since the Special Commission, in its current composition, is neither objective nor fair, we request that the Security Council re-establish the Special Commission on the following basis:

(i) Create a new executive bureau to lead and direct all the activities and functions of the Special Commission. It should be composed of an equal number of members who represent the nations that are permanent members of the Security Council. The chairmanship of the bureau should be on rotation basis. Iraq should participate as an observer in the bureau's work.

(ii) Restructure the Commission's administrative units at its main office in New York and at its offices in both Bahrain and Baghdad according to the same principle.

(iii) Remove the Commission's main office from New York to the United Nations Headquarters in either Geneva or Vienna so as to insulate it from the direct influence of the United States of America.

III - The Security Council and all its members, particularly the permanent members, should observe - legally, politically and in practice - the resolutions of the Council which stipulate that the sovereignty of Iraq and its legitimate rights should be respected. They should also abide by the Charter of the United Nations and the Memorandum of Understanding signed by Iraq and the Secretary-General of the United Nations on 23 February 1998, and call to account those Council members who violate those principles, including the banning by force of flights over the northern and southern parts of Iraq by certain permanent members of the Council.

IV - Pending a move by the Security Council to take such just and legitimate steps, Iraq is totally suspending its cooperation with the Special Commission in its current form and with the International Atomic Energy Agency.

V - In expressing its good intentions and sincerely desiring that its decisions should be correctly interpreted and not tendentiously explained as non-compliance with Security Council resolutions or previous commitments, Iraq agrees that in the interim referred to in paragraph IV above, the monitoring activities according to the requirements of Security Council resolution 715 (1991) will continue, provided that the individuals responsible for monitoring tasks strictly respect the sovereignty and security of Iraq and the dignity of its people, as stipulated in the agreement of 23 February 1998 between Iraq and the Secretary-General of the United Nations. Iraq reserves its right to expel any monitoring personnel who violate these legitimate obligations.

Our great people,

Sons of our glorious nation,

The brave members of our valiant armed forces,

Iraq was destined to be tested in its honour and principles in the name of the cause of your nation and the name of humanity.

We are sure that, as in the past, the people of Iraq will prove to the whole world that they are worthy of shouldering the honourable responsibility of gaining God's favour and carrying out man's duty to stand up to the oppressors when they perpetrate oppression and aggression. God is Greatest and He is able to grant victory and the despicable ones shall be driven away.

UNITED
NATIONS

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Security Council

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14 August 1998
ENGLISH
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LETTER DATED 5 AUGUST 1998 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to transmit to you the attached letter from Mr. Tariq Aziz, Deputy Prime Minister, dated 5 August 1998 setting out the essential facts concerning Iraq's implementation of the requirements of section C of Security Council resolution 687 (1991), and of resolution 715 (1991), and the attempts of the Special Commission to conceal those facts. Attached to the letter is a resolution of the Revolution Command Council and the Iraqi Regional Command of the Arab Baath Socialist Party dated 5 August 1998 concerning the work of the Special Commission.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

* Reissued for technical reasons.

Annex

[Original: Arabic and English]

Letter dated 5 August 1998 from the Deputy Prime Minister of Iraq addressed to the President of the Security Council

I wish to place before the Security Council the substantive facts concerning the position with respect to the implementation of the requirements of section C of resolutions 687 (1991) and 715 (1991).

The Special Commission has been working for more than seven years in Iraq. Up to our most recent meeting with Mr. Richard Butler, the Executive Chairman of the Special Commission, on 3 August 1998, the special Commission had refused to inform the Security Council of the substantive facts of the situation. Instead, the Special Commission has continued its old and well-known methods of concentrating on details of no value with respect to the requirements of section C of resolution 687 (1991). It has also continued with its methods of raising marginal issues, to confuse and mislead the Council and world public opinion into thinking that those issues are of some importance with respect to the requirements of disarmament. In addition, it has attempted to conjure up the crises and provocations which characterized the work of the Special Commission throughout the past years. The purpose of this was entirely clear, namely to perpetuate the embargo pursuant to the policy of the United States of America.

At the latest meeting between the Chairman of the Special Commission and myself on 3 August 1998, and after reviewing the results of what has been done since we last met on 13 and 14 June 1998, I addressed the following questions to Mr. Butler:

1. Are you prepared to inform the Security Council that Iraq is entirely free from all the weapons proscribed under resolution 687 (1991) in the three areas (missiles, chemical and biological), or have you tangible evidence to the contrary?

2. Are you prepared to inform the Security Council that the factories, equipment and devices which the Special Commission regarded as being connected with weapons have been destroyed, and that the factories, sites, equipment and devices that remain, which are referred to as being of "dual use", are all being strictly and comprehensively monitored? And that, consequently, Iraq is not capable of resuming production of such weapons?

/...

3. Are you prepared to inform the Security Council that the Special Commission, since the establishment of the monitoring regime in 1994, has not detected any serious violation by Iraq with respect to the resumption of the production of the proscribed weapons?

Mr. Butler replied that he was "not able" to say that to the Security Council.

I asked him: "Why are you not able to do so? Are they not facts? In that case, why not notify them to the Security Council?" He said that it was because more verification was needed.

I said to him: "The Special Commission has carried out the following activities over seven years, which are fully sufficient to verify those facts. The activities are as follows:

1.The number of inspection teams that visited Iraq between 1991 and 2 August 1998 is 260.

2.The number of sites inspected and visited by the inspection teams and monitoring groups is 9,340.

3.The number of sites subject to ongoing monitoring is 496.

The Executive Chairman of the Special Commission said that more verification was still required.

At our meeting on 3 August, I stated the following facts concerning the so-called "verification" carried out by the Special Commission.

In the meetings that we had with Mr.Butler on 13 and 14 June 1998, we agreed to a schedule for work that would cover the three areas (missiles., chemical weapons and biological weapons) and focus on issues related to disarmament, pursuant to Security Council resolution 687 (1991), section C, with a view to resolving them in a definitive manner, so that the Security Council would be able to implement paragraph 22 of resolution 687 (1991) within a short space of time, We also agreed to review the results of the work at our next meeting in August 1998.

What has happened in the intervening period?

1. Missiles

According to the Special Commission, there were two outstanding issues in this file: the material balance of the destroyed missile warheads, particularly the warheads filled with chemical and biological agents, and final consideration of the status of indigenous production of engines and gyroscopes.

I . Re-excavation work at the sites where the destroyed warheads were buried in 1991 began in September 1997 and intensively until July 1998 under difficult conditions.

This work was done, despite the fact that everyone knows that the missile warhead itself does not constitute a weapon, unless it is attached to a missile that is capable of carrying it to the target, and despite the fact that the Scud missile engines and the missile launchers have been destroyed, and the Special Commission has verified this fact since August 1997. We worked with the Special Commission throughout this period to verify the material balance of the warheads and we demonstrated our full commitment to removing all obstacles to the closure of this file, so that the entire matter may formally be moved from the disarmament stage to the monitoring stage.

In the July 1998 meeting held to follow this issue between the Iraqi side, led by Lieutenant General Engineer Amer Mohammed Rashid, and the Special Commission, headed by Mr. Nikita Smidovich, the Iraqi side proved by concrete evidence the completion of the material balance of the destroyed special warheads and the Special Commission's team raised no objections to this conclusion.

However, instead of acknowledging this fact, and considering it as the last stage in the closure of the file, the Special Commission team, headed by Mr. Nikita Smidovich, raised a number of trivial matters, which had no relation with the substance of the subject, by asking several questions under the pretext of "further

verification"!!! We have included in appendix I to our present letter a list of the questions which the Special Commission's team raised.

2. The second issue relating to missiles, which the Special Commission considered outstanding, is the indigenous production of engines and gyroscopes. A meeting to address this subject was held in July 1998, in accordance with the schedule for work, with the Iraqi side led by Lieutenant General Engineer Amer Mohammed Rashid and the Special Commission's team led by Mr. John Laraby.

As a background to this subject, I should like to state that Iraq attempted before 1991 to produce missiles through indigenous efforts. The Special Commission was informed since 1995 in a long series of meetings, of the basic facts of the matter, to the effect that Iraq had not fully succeeded in producing indigenous engines or gyroscopes. One of the facts that bear this out is that, during the military operations between 17 January and 28 February 1991, Iraq did not use any missile other than the modified Scuds. However, the Special Commission persisted with its so-called "verification". After three years of tedious verification activities, we expected that we would finish this question in the last July meeting, held in the context of the schedule for work we agreed on with Mr. Butler in June.

In that meeting, the Iraqi side established the basic facts concerning the lack of success in attempts to produce indigenously missile engines and guidance systems (gyroscopes). The Special Commission team, under the leadership of John Laraby, was unable to refute the Iraqi statements. However, instead of recognizing this fact and focusing on it, the team raised - under the cover of further verification - marginal issues. As a glaring example of that, are the questions raised by one member of the team, and confirmed by the team leader, John Laraby, as important for verification purposes, concerning the import of one turbo pump for a missile engine. Appendix II to our letter lists those questions.

II. The chemical area

The points that needed to be followed up in this area under the joint schedule for work agreed on in June 1998 were the following:

I. The results of the chemical analysis of the samples of the warheads remnants and the other samples taken from the Al-Muthanna Establishment, and taking additional samples by the Special Commission from the soil and the warheads remnants from the destruction sites.

2. The material balance of the special ammunition:

- The 155-mm mustard-gas shells that were lost;

-The R400 aerial bombs.

3. The material balance of glass equipment for the production of chemical agents, and the presentation by Iraq of clarifications concerning the transport of shipping containers containing the glass equipment.

During the meeting held in July, which was chaired on the Iraqi side by Dr. Amer Al-Sa'adi, and on the Special Commission side, by Mr. Igor Mitrukhin, the results were as follows:

I . The Iraqi side proved that the material balance of the R400 bombs was complete and that the bombs could be used only in combination with a complementary part, and that these parts existed, and could be verified. Yet the Special Commission team postponed immediate verification until a later stage!

2. As to the 155-mm shells that were lost, the Special Commission was informed of the results of the investigation carried out by the Iraqi side, to the effect that, during the war or during the disturbances of March 1991, a truck carrying this type of shells was set on fire. A Special Commission team visited the site where the truck was destroyed, and the results clearly proved that fact. In addition, the Special Commission team visited a large burying site where the

remnants of various ammunitions had been buried, where it is likely to find the remnants of those shells.

We have explained to the Special Commission that this question could not constitute an obstacle to close the chemical file from the standpoint of disarmament, for it is one issue that can be followed up in the context of the monitoring phase. This is because the basic facts of this matter are:

(a) The Special Commission closed the chemical file in 1995 without considering this issue, which was known to it then, as a reason preventing the closure of the file. This was because the percentage of the said ammunition was less than 5% of the total of its type, and the Commission had verified the destruction thereof or destroyed it itself.

(b) The ammunitions in question are destroyed by fire, and we informed the Special Commission of the burning and its circumstances.

In the light of the foregoing, this issue does not constitute a serious obstacle to closing the chemical file from the disarmament standpoint. This issue and other secondary issues can be followed up in the context of the monitoring phase. However, the Chairman of the Special Commission refused to do so and asked for more verification!

(c) The Special Commission raised superficial storm when it announced that it had found traces of VX agent in a number of the destroyed warheads, despite Iraq's repeated assertions that it had not weaponized the missile warheads with that agent. I explained this matter to the Executive Chairman as follows:

(i) If Iraq had weaponized warheads with VX, there would be no reason why it should not declare this, particularly as it has already disclosed that it had weaponized warheads with other chemical and biological materials.

(ii) If Iraq had abstained from declaring the weaponization of warheads with VX, with the intention to conceal them, then it would have been a silly act on the part of Iraq, because a missile

warhead does not, of itself, constitute a weapon, as we have already stated, for there are no longer any missiles to carry it.

(iii) If the abstention to declare that was with the intention to conceal, how could traces of these warheads have been found in the destruction sites?

All these points confirm that there are probably one or more other reasons for what was said to be a discovery of degraded chemical traces in the destroyed missile warheads, which could be fragments of VX as alleged by the Special Commission. The reason could also be the probability of the degradation of other chemical material which could give certain indications, or it could be the consequence of using contaminated equipment previously used in the production of VX in filling missile warheads with other substances. Briefly put, this is a scientific question which could be followed up by experts, and the final result would not change the substantive facts that the chemical weapons had been destroyed and the ongoing monitoring prevents the reproduction thereof. This was what I requested Mr. Butler to acknowledge, and he refused to do so.

III. Biological weapons file

Since 1996, the Special Commission has been deliberately giving a distorted and falsified picture of the biological programme. It has deliberately ignored the fundamental facts concerning this programme and raised lies and fabrications using intelligence methods in coordination with American parties.

The essential facts concerning this programme are as follows:

1. The programme was newly established (in terms of planning and personnel) and lacked the necessary expertise, particularly in weaponization. Consequently, it was not completed and remained without a specialized top management.

2. The equipment used in this programme were not specialized in the production of biological agents, and Iraq was not able to import any specialized equipment for this purpose.

3. Iraq destroyed this programme completely in 1991.

4. All the details concerning this programme were declared to the Special Commission in September 1995.

5. The Special Commission has carried out a large series of activities comprising inspections and interviews for three years in order to verify Iraq's declarations. Forty-five biological teams inspected 334 sites, and 13 of these teams carried out interviews with 256 personnel. The monitoring biological teams carried out 1,048 inspections during this period.

6. The material balance of missile warheads which had been filled with biological agent as well as R400 aerial bombs was completed.

7. All the factories were destroyed, and a large number of equipment which the Special Commission presumed their use in the programme, although some of these factories had been furnished, after 1991 for strictly civilian purposes, was comprehensively destroyed. At Al-Hakam plant, for example, in addition to industrial equipment, furniture, offices, cooling equipment, refrigerators, beds, electrical transformers and scientific manuals were destroyed. We accepted this sacrifice after the Special Commission promised us that the destruction of Al-Hakam in that manner was the most important step for closing the biological file.

8. Some very important documents substantiating Iraq's declarations had been provided to the Special Commission.

9. In all the inspections which had been carried out by the Special Commission for more than seven years, it had not found any biological weapons or agents. It is known, however, that the teams of the Commission use highly advanced scientific methods to check whether there are any traces of current or previous biological activity in the inspected sites, and the Special Commission has not found any proof on the existence of biological activities, current or previous, in sites other than those declared by Iraq which were destroyed.

10. Ninety-five sites which the Special Commission said that they could be used for biological activities were placed under ongoing, strict and very intrusive monitoring.

Despite all these substantive facts, the Special Commission has refused to recognize the truth of the Iraqi declarations saying that they are unverifiable, although it has been engaged in "verification" for more than three years.

On 5 November 1997, during the meetings with the delegation sent by the Secretary-General of the United Nations, led by Mr. Al-Akhdar Al-Brahimi, we provided examples of verification procedures which the person in charge of the biological file, Mr. Spertzel, adopted during the previous period, which raised surprise and sarcasm.

We agreed, With Mr. Butler, to hold a Technical Evaluation Meeting in which international experts would participate in order to consider this file, but this is what happened:

(a) The Special Commission insisted that the meeting should be held in Vienna instead of Baghdad. This prevented many of the Iraqi experts concerned with the file from attending the meeting for reasons pertaining to the sanctions;

(b) The Special Commission held lengthy meetings with the international experts beforehand and concentrated on the aspects it considered to be negative, without giving the Iraqi side a similar opportunity before the meeting.

(c) It is the Special Commission which drew up the agenda of the meeting, formulated the questions and determined the way in which the meeting would be conducted. Many questions were tendentious and political and had nothing to do with disarmament. That was why the meeting held in Vienna, from 20 to 27 March 1998, did not succeed to resolve the problem of this file. When I met Mr. Butler in June, I therefore proposed to him that another meeting should be held in Baghdad in order to study the file in-depth and objectively. We agreed that the meeting should

concentrate on the substantive issues concerning filling and unilateral destruction., and then production and growth media.

When the meeting was held in Baghdad in July 1998, we were surprised that the team of the Special Commission did not focus on the priority issues from the perspective of disarmament, as agreed with Mr. Butler. The team reverted to the same methods practiced by the Special Commission in raising questions which bore no relation to the fundamental questions of disarmament, and ignoring the task of the experts in providing scientific and technical evaluation of what Iraq had produced of biological weapons and the viability of such weapons in the event that any limited margin of uncertainty remains in the material balance of some of them.

I had to meet the head of the delegation, Mr. Selstrom, to discuss this question. But he asked to be accompanied by Mr. Spertzel, an American national, and the meeting took place in the presence of Mr. Spertzel. I told Mr. Selstrom. that, during the work between the Special Commission's team and the Iraqi side, led by general Amer Al-Sa'adi, the Special Commission's team did not concentrate on essential issues relating to disarmament., as agreed with Mr. Butler in June. He replied that he had not been given any instructions to that effect. On 3 August 1998, I raised this question during my meeting with Mr. Butler. I asked him why he had not given instructions in accordance with our agreement. He did not respond to this question.

Thus we found ourselves in the same vicious circle created by the Special Commission with regard to this file. In a letter dated 23 July 1998, I proposed to Mr. Butler that, at our next meeting on 3 August, he and I should preside over a special meeting devoted to a discussion of this file and to supervise directly the manner of handling the file by the two sides from the angle of the requirements of disarmament and to evaluate what was achieved. (The letter appears in appendix III). But Mr. Butler rejected this proposal (See appendix IV).

These unfortunate facts about what happened at the meetings between Mr. Butler and myself, and about the method of work adopted by the Special Commission during the period from 14 June to 3 August

1998, together with the refusal by the Chairman of the Special Commission to respond positively to my legitimate request to report the facts in question (pages 2 and 3) to the Security Council, against which the Special Commission has no tangible evidence, all this raises a fundamental issue, namely: what is the objective of continuing with these meetings and of working with the Chairman of the Special Commission and its teams if the Chairman is "unable", as he said, to report the facts drawn from these meetings and from the joint work to the Security Council? If the Special Commission insists on following this deliberate approach to prolong the work by the clear confusion between the fundamental questions relevant to disarmament and the requirements of section c of resolution 687 and questions presumed by it, which are often trivial?

We have raised the question of the working methods of the Special Commission in many letters which over the last few years, and we have particularly concentrated on this question during the last crisis, between October 1997 and 23 February 1998, and we brought up the issue on 5 November 1997 with the delegation sent by the Secretary-General and headed by Mr. Lakhdar Brahimi. We raised the issue again with the Secretary-General of the United Nations during the discussions we had with him on 22 and 23 February 1998. We brought up the issue also during our discussions with the members of the Security Council.

At the said meetings we also raised the fundamental issue of the composition of the Special Commission and the control exercised by the United States of America and the United Kingdom on the work of this Commission, and the reflection thereof on the inspection and verification methods and the drawing up of reports sent to the Security Council, along with anti-Iraqi political, tendentious and hostile statements to support the positions of the Special Commission and its methods of work. Despite some measures taken in this respect by adding new elements to the office of the Special Commission in New York and the participation of experts from other permanent members of the Security Council in some inspection teams, the real situation has not changed, as the American and British elements are still leading all its activities and define all the discussions of the Special Commission.

Considering that it is well-known that the United States and the United Kingdom have tendentious political objectives against Iraq, which are irrelevant to the Security Council resolutions, the domination by these countries of the Special Commission raises a fundamental problem.

The conclusion is that Iraq, for its part, has fulfilled the requirements of the Security Council resolutions, cooperated with the Special Commission, and provided it with all the information, documents and explanations. But the Special Commission is not prepared to tell the truth by announcing that the main task entrusted to it in accordance with section C of Security Council resolution 687 (1991) has been completed. This is an illegal position. It is a tendentious political position which is not based on any scientific or technical foundation.

Moreover, even when there is a technical basis for the closure of a given file, the United States of America and the United Kingdom refuse to acknowledge that. Since these two countries have the privilege of the veto, they have obstructed practically any step which the Security Council attempted to take in the direction of achieving justice and equity. This is what happened in July in the case of the nuclear file, which renders a clear proof that we are in a situation in which the sanctions against Iraq will be maintained whatever measures Iraq takes and provides.

The Iraqi leadership has warned against such an unjust situation on various occasions, notably on 1 May 1998, in the speech delivered by the President of the Republic of Iraq on 17 July 1998 and finally in the latest statement issued on 30 July 1998, which was officially transmitted to the Security Council and to the Secretary-General of the United Nations. Despite this warning, the Special Commission did not give attention to the sincere appeal we made in that statement, and persisted in its approach which aims at maintaining the sanctions to serve the criminal policy of the United States of America in killing the Iraqi people and destroying Iraq. Our statement of 30 July 1998 was clear that this situation was unacceptable because Iraq cannot endure all these losses, these expenses and these threats to its security and sovereignty while the sanctions remain in place.

Therefore, Iraq's leadership has taken a number of decisions to preserve Iraq's legitimate national interests, to put an end to the flagrant injustice to which the great people of Iraq have been exposed for many years, and to make world public opinion aware of the serious turn of events and the nature of the injustice whose means and pretexts have been created and maintained by the United States of America.

The statement issued on 5 August 1998 by the Iraqi leadership is annexed to this letter.

Iraq has cooperated with the Security Council, the Special Commission and the International Atomic Energy Agency and has fulfilled all its obligations in an expression of its good faith to have the sanctions imposed on its people lifted. But all this cooperation and these achievements have not led to the lifting of the sanctions, which has been maintained unchanged for eight years. Thus, Iraq cannot continue to endure this injustice, and we hope that the Council will carefully consider, in good faith, Iraq's decisions and proposals so as to achieve justice and end inequity.

(Signed) Tariq AZIZ
Deputy Prime Minister

Appendix I

[Original: English]

Examples of the questions raised by the United Nations Special Commission

1. What is the type, weight, size and diameter of each bomb?
2. How many people lifted each bomb?
3. Was the excavator a shovel or Poclain?
4. Was it wheeled or truck?
5. Is it that one with the big arm?
6. Was it a big or small one?
7. How wide was the blade?
8. When you got to that site, what did it look like?
9. Was it flat, a valley or a hill?
10. Did you fill in the pits which were dug up?
11. How far did the fragments travel?
12. Where did you put the things (fragments) you collected?
13. Had the tyres of your vehicle been punctured?
14. Did you have any problem in arriving at the pits, such as punctured tyres?
15. Did you take a vehicle to that pit or did you walk?
16. Were the shovel and Poclain used in the same pits?
17. Were the piles (of the fragments) of the same size or was there one large and the others smaller?
18. Were the piles collected inside the pits or at the top of the pits?
19. Were things thrown from the top to the bottom of the pits?
20. Was your truck wheeled or truck?

Appendix II

[Original: English]

Questions regarding the receiving of the foreign turbo-pump for the test run on 13 September 1989

1. Who on the Iraqi side received the pump?
2. Who on the Iraqi side was also present?
3. Who handed over the pump (all persons)?
4. Who was asked to hand over the pump?
5. When did you ask to be given one pump beforehand?
6. Was this desire also expressed in writing?
7. When was the pump handed over (date)?
8. When was the pump built into the engine for testing?
9. Which airline was used to bring the pump to Iraq?
10. Which were the flight data?
11. Which airport in Iraq was used?
12. What were the packings for the pump?
13. Were the packings original Thyssen packings?
14. Was the packing of the pump different than for the other pumps?
15. How was the package labelled?
16. How was the pump brought through customs?
17. How was the pump transported from the airport to your facilities?
18. Where exactly (location) was the pump handed over?
19. Had the pump been tested in Germany before delivery?
20. Were there additional customs papers for the pump?
21. Who paid for the transport?
22. How much was paid for this transport?

23. Did the pump bear a serial number?

24. Were there any differences between this pump and the following pumps?

25. Is this pump to be considered additionally to the contracted 35 pumps?

26. If the first pump was brought in the autumn and three in January, what did the box, which was supposed to contain five pumps, really contain?

27. How long did the people who handed over the pump stay in Iraq?

28. Which airline did they use to go back; when did they leave Iraq (flight data)?

29. Anything to add?

Appendix III

[Original: Arabic]

Letter dated 23 July 1998 from the Deputy Prime Minister of Iraq addressed to the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991)

With reference to the programme of our next meeting in Baghdad to be held from 3 to 4 August 1998, I should like to point out that the outcome of the meetings which were held in Baghdad from 17 to 22 July on the question of the biological file (Group 250) did not succeed in closing the gaps between the two sides. Therefore, we deem it highly important to devote sufficient time to this issue during our next meeting, in order to be able to study it intensively from the political and technical angles. This may require an extension of your stay in Baghdad for as long as necessary, and the participation of the largest possible number of experts from both sides in considering the issue in question during the next meeting.

We hope that you will attach high priority to this matter.

(Signed) Tariq AZIZ
Deputy Prime Minister

Appendix IV

[Original: English]

Letter dated 24 July 1998 from the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991) addressed to the Deputy Prime Minister of Iraq

I write in response to your letter of 23 July 1998.

Your proposal rests on a basic contention that, in your words, "the outcome of the meetings ... did not succeed in closing the gaps between the two sides". Two points must be made about that contention.

First, I do not know in any authoritative way what the outcome was because I have not yet received the Chief Inspector's report. I am interested that it appears that you do.

Secondly, I have a problem with the notion of "gaps" between the two sides because it, fundamentally, misrepresents both the nature of the relationship, which, according to the Security Council, should prevail between the United Nations Special Commission and Iraq and the terms of reference of the meetings held at Baghdad from 17 to 23 July 1998.

That relationship is that Iraq should declare in full and truthfully all relevant proscribed programmes, in this case, in the field of biological weapons and that the United Nations Special Commission should seek to verify those declarations. The recent meetings at Baghdad were to have operated under these basic principles.

To describe our inability to carry out our side of the work as a mere "gap" is to depart very far from the fact of the inadequacy of Iraq's past declarations, as identified on at least three occasions by independent groups of international experts.

The proposal you now make is similar to what you proposed, and we discussed, during my last visit to Baghdad, in June 1998. At that time, I made clear that while the biological weapons area might benefit from a change in methodology, the fundamental problem remained that of achieving a full and verifiable accounting of the Iraqi biological weapons programme to the satisfaction of qualified scientists. This is a matter of establishing facts, not of negotiation between two positions. Hence, during the June meeting, I agreed to our renewed, indeed fourth, effort by international experts, including those from countries which you specifically designated, to meet with their Iraqi counterparts in Baghdad to once again review Iraq's declarations. The duration of the meeting was to be determined by the team leader.

This meeting has now been completed and I look forward to receiving the team's report next week. If it proves to be "unsatisfactory", as you say it will, we will need to analyse why that is the case. It is premature, at this

stage, to conclude that political level discussions, no matter of what duration, would correct a problem which has been long-standing, repeatedly addressed and has always rested on the failure of Iraq to provide concrete and verifiable technical information.

It continues to be our firm position that resolution of the biological weapons area can be accomplished with the provision of further documents and other verifiable information by Iraq, which Iraq possesses.

It is not the job of the Special Commission, as a technical subsidiary organ of the Security Council, to negotiate over what Iraq should or should not provide, or to intervene in the work and the assessments of experts.

Consequently, while we can discuss the status of the biological area and possible next steps which might be taken towards resolving the serious problem of Iraq's unwillingness to provide relevant materials, I cannot agree to the notion that the substance of this matter is one which can be resolved at the political level or by political negotiation, if the Security Council's concrete requirements are to be met.

Naturally, we can discuss future work and meetings both by experts and at our level. If Iraq were, in the interim or during my visit, to provide significant new information and documentation, I believe we would be able to agree upon the procedures for speedy, expert evaluation of such new materials. Discussion of such procedures could be accommodated during the time schedule already established for my visit to Baghdad. I assure you that I and my colleagues are ready to work intensively during that period.

(Signed) Richard BUTLER

Appendix V

[Original: Arabic]

Statement issued by Revolution Command Council and the Iraqi Regional Command of the Arab Baath Socialist Party

In the Name of Allah, the merciful, the compassionate

"To those against whom war is made, permission is given (to fight), because they are wronged; - and verily, Allah is most powerful in their aid"

Great striving people,

Fellow members of the glorious Arab Nation,

Freemen and righteous men of the world,

For eight harsh years, Iraq has suffered unjust, oppressive and unparalleled sanctions which are unprecedented in recent history. As the whole world knows, these sanctions have led to the death of millions of Iraqi children, women and elderly persons, the deprivation of the proud people of Iraq of the most basic humanitarian needs, and the deterioration of the economic and scientific infrastructure built over decades through the efforts and resources of the Iraqis, denying them their legitimate right to development and progress and causing serious damage to the social structure of the country.

Iraq has accepted the resolutions of the Security Council and has implemented them over seven years of toil and hard work. This has entailed tremendous losses and unbearable costs, which were detailed in the statement issued on 30 July 1998. Iraq has fulfilled all the obligations imposed on it in the hope that this would lead initially to the lifting of the unjust sanctions through the implementation of paragraph 22 of Security Council resolution 687 (1991) and finally to the elimination of all other types of sanctions.

However, the United States of America has resorted to all ways and means to maintain the unjust sanctions in all their manifestations and in all areas of life and to obstruct and prevent any action by the Security Council that would recognize what Iraq has achieved in fulfilling the requirements of Security Council resolutions for the elimination of the sanctions. Foremost among the instruments used by the United States of America is the Special Commission. The United States of America controls the Commission's leadership, activities and mode of operation. Thus, the Commission has been turned into a disgraced instrument for implementing the criminal American policy against Iraq either by finding pretexts and fabricating crises with a view to maintaining the sanctions or by spying over Iraq and threatening its national security and sovereignty.

Throughout the past years, Iraq has raised this issue. Several crises have arisen, especially last year over the period which began in October 1997 and continued until 23 February 1998 when an agreement was concluded with the

Secretary-General. But this agreement and all other efforts failed to rectify this situation, which remains unchanged. The Commission continues to fabricate false pretexts to perpetuate its work indefinitely. The United States of America blatantly and shamelessly continues to pursue its criminal policies of maintaining the sanctions in contravention to the text of the Security Council resolutions and the principles of international law.

Furthermore, since 1991 the United States of America has committed flagrant and gross violations of Iraq's sovereignty and territorial integrity. It continues to do so by imposing an illegal air siege against the northern and southern parts of Iraq. It openly declares its criminal schemes against Iraq by allocating funds to finance illegal activities aimed at intervening in Iraq's internal affairs to commit acts of sabotage and terrorism in the country.

Since 1 May 1998 we have been issuing candid, clear and sincere statements, in addition to some previous warnings during the last three months, against the consequences of such a position. We have also emphasized that the people of Iraq and its leadership cannot tolerate such an intransigent position of injustice, and called upon the Security Council, the Secretary-General of the United Nations and the international community to adopt a fair and firm position aimed at redressing this anomaly by putting an end to it and lifting the unjust sanctions imposed against the people of Iraq.

Yet these serious and sincere statements have remained unheeded, with the United States of America persisting in its policy and criminal schemes. For its part, the Special Commission has continued to implement such a policy, as may be seen from the proceedings of the last meeting between the representatives of the Commission and of Iraq when the Chairman of the Special Commission refused to endorse officially the substantive facts about Iraq's compliance with section (g) of Security Council resolution 687 (1991) and to inform the Security Council accordingly, even though these facts have been established and published for years.

We should also like to refer to the position of the United States of America when it rejected the proposals that were recently put before the Security Council to move the nuclear item from the status of disarmament to that of monitoring, even though this has been the situation since 1992 with the endorsement of a significant number of members of the Security Council.

In the light of the current circumstances, which confirm that Iraq will always be under siege regardless of what it does, and regardless of its fulfilment of the Security Council's requirements, the Command has reviewed the situation, recalling its message to the Security Council dated 1 May 1998, the speech delivered by President and Leader Saddam Hussein (may God be his guardian) on 17 July, and its statement issued on 30 July. In the light of the decisions taken by the National Assembly, the appeals issued and the positions taken by grass-roots and people's organizations, together with the unions, professional and popular associations and the political parties of the land, the Command has taken the following decisions to be conveyed to the Security Council and to the Secretary-General of the United Nations:

I - Since Iraq has fulfilled all the commitments required in section (C) of Security Council resolution 687 (1991), Iraq calls upon the Security Council to apply paragraph 22 of resolution 687 (1991) as a first step on the road leading to the complete and total lifting of sanctions.

II - Since the Special Commission, in its current composition, is neither objective nor fair, we request that the Security Council re-establish the Special Commission on the following basis:

(i) Create a new executive bureau to lead and direct all the activities and functions of the Special Commission. It should be composed of an equal number of members who represent the nations that are permanent members of the Security Council. The chairmanship of the bureau should be on rotation basis. Iraq should participate as an observer in the bureau's work.

(ii) Restructure the Commission's administrative units at its main office in New York and at its offices in both Bahrain and Baghdad according to the same principle.

(iii) Remove the Commission's main office from New York to the United Nations Headquarters in either Geneva or Vienna so as to insulate it from the direct influence of the United States of America.

III - The Security Council and all its members, particularly the permanent members, should observe - legally, politically and in practice - the resolutions of the Council which stipulate that the sovereignty of Iraq and its legitimate rights should be respected. They should also abide by the Charter of the United Nations and the Memorandum of Understanding signed by Iraq and the Secretary-General of the United Nations on 23 February 1998, and call to account those Council members who violate those principles, including the banning by force of flights over the northern and southern parts of Iraq by certain permanent members of the Council.

IV - Pending a move by the Security Council to take such just and legitimate steps, Iraq is totally suspending its cooperation with the Special Commission in its current form and with the International Atomic Energy Agency.

V - In expressing its good intentions and sincerely desiring that its decisions should be correctly interpreted and not tendentiously explained as non-compliance with Security Council resolutions or previous commitments, Iraq agrees that in the interim referred to in paragraph IV above, the monitoring activities according to the requirements of Security Council resolution 715 (1991) will continue, provided that the individuals responsible for monitoring tasks strictly respect the sovereignty and security of Iraq and the dignity of its people, as stipulated in the agreement of 23 February 1998 between Iraq and the Secretary-General of the United Nations. Iraq reserves its right to expel any monitoring personnel who violate these legitimate obligations.

Our great people,

Sons of our glorious nation,

The brave members of our valiant armed forces,

Iraq was destined to be tested in its honour and principles in the name of the cause of your nation and the name of humanity.

We are sure that, as in the past, the people of Iraq will prove to the whole world that they are worthy of shouldering the honourable responsibility of gaining God's favour and carrying out man's duty to stand up to the oppressors when they perpetrate oppression and aggression. God is Greatest and He is able to grant victory and the despicable ones shall be driven away.

UNITED NATIONS **S**

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LETTER DATED 5 AUGUST 1998 FROM THE EXECUTIVE CHAIRMAN OF THE SPECIAL COMMISSION ESTABLISHED BY THE SECRETARY-GENERAL PURSUANT TO PARAGRAPH 9 (b) (i) OF SECURITY COUNCIL RESOLUTION 687 (1991) ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On 16 June 1998, I addressed a letter to the President of the Security Council (S/1998/529), submitting a report on my visit to Baghdad from 11 to 15 June. In that report I indicated that a schedule for work had been agreed with the Deputy Prime Minister of Iraq. The schedule was designed to try to resolve, during the ensuing two months, most of the outstanding priority issues of disarmament of Iraq for which the Special Commission had a responsibility.

In my June report, I indicated that the results achieved under the schedule for work would be assessed by the Deputy Prime Minister and me during the next round of talks to be held in early August 1998. It was hoped that, depending upon the results of those discussions, further work could be agreed upon by both sides, as necessary, before the presentation of the next biannual report by the Commission to the Council, in October 1998.

The round of talks was held at Baghdad on 3 August 1998. During those talks, I gave the Commission's assessment of the important progress achieved since June, and what remained to be done. I proposed to address substantive disarmament issues which remained outside the June schedule of work, such as VX, concealment and the implications of the document recently found, which relates to the verification in the chemical weapons area, with a view to their solution. I also proposed a further work programme for the immediate future. This was directed at bringing remaining issues in the missile and chemical weapons areas to closure.

The Deputy Prime Minister rejected both proposals. He insisted that I should report immediately to the Security Council that there were no more proscribed weapons and related materials in Iraq. I indicated that I regretted I was not in a position to do so. For reasons well known to the Deputy Prime Minister, the Commission did not yet have the evidence to verify that Iraq has carried out all the actions contemplated in the relevant disarmament paragraphs of resolution 687 (1991). A report by me with unverified conclusions on Iraq's compliance would have no credibility. It would therefore not achieve Iraq's objective of decisions by the Council to lift the oil embargo and other

sanctions. In his response, the Deputy Prime Minister stated that he saw no utility in continuing working with the Commission on these issues.

I asked whether we should meet again the following day. The Deputy Prime Minister said that that would only have point if I were prepared to agree to his demand that I report to the Council that Iraq had no proscribed weapons and related materials. I repeated that I was not in a position to meet his demand.

Under the circumstances, I judged that the best course of action was to report immediately to the Council. I gave the Deputy Prime Minister the undertaking that I would include in my report an accurate statement of Iraq's position.

A report on the discussions is attached (see annex). I would be most grateful if you could bring the present letter and its annex to the attention of the members of the Security Council.

I stand ready to brief you and the Council, at your convenience, following my return to New York.

I believe this matter requires the further attention of the Council. I am still convinced that, with a full disclosure and honest cooperation from Iraq, the Commission would be able to conclude its disarmament obligations in a short period of time.

(Signed) Richard BUTLER

Annex

Report by the Executive Chairman of the Special Commission established by the Secretary-General pursuant to paragraph 9 (b) (i) of Security Council resolution 687 (1991), on his mission to Baghdad, 2-4 August 1998

I. INTRODUCTION

1. The Executive Chairman of the United Nations Special Commission (UNSCOM) visited Baghdad from 2 to 4 August 1998. He was accompanied by the Deputy Executive Chairman, Mr. Charles Duelfer, and three Commissioners: Mr. Pål Aas (Norway), Mr. Jack Ooms (Netherlands) and Mr. Zhou Fei (China), as well as a team of senior technical and policy officers from the Commission's Executive Office in New York.

2. Two plenary meetings took place on 3 August. The Iraqi delegation was led throughout by the Deputy Prime Minister, Mr. Tariq Aziz. He was supported by a delegation that included Mr. Muhammad Saeed Al-Sahaf, Minister for Foreign Affairs, Mr. Abdel Diaf Taiwiesh, Director of the Military Industrialization Corporation, Lt. General Amer Rashid, Minister of Oil, Mr. Ahmed Mutharda, Minister of Transportation and Communications, Lt. General Amer Al Sa'adi, Counsellor to the Presidency, General Hossam Amin, Director of Iraq's National Monitoring Directorate, Mr. Riyadh Al-Qaysi, Under-Secretary, Ministry for Foreign Affairs, Ambassador Nizar Hamdoon, the Permanent Representative of Iraq to the United Nations, and other officials.

II. DISCUSSIONS

3. At the first plenary meeting, on the morning of 3 August, the Executive Chairman, at the invitation of the Deputy Prime Minister, gave the Commission's assessment of what had been carried out under the schedule for work established in June 1998 (see S/1998/529, appendix II), what had been achieved during the past two months, and what remained to be done. Concrete proposals for next steps were also offered. Following on the Chairman's remarks, the Deputy Prime Minister gave Iraq's response. Thereafter, the meeting was adjourned. During the evening of the same day further exchanges of view between the Deputy Prime Minister and the Executive Chairman took place.

III. ASSESSMENT BY THE EXECUTIVE CHAIRMAN OF THE IMPLEMENTATION OF THE SCHEDULE FOR WORK

4. In his initial remarks, the Executive Chairman reported that the Commission had carried out all of the tasks assigned to it under the schedule for work. While this had been done with the cooperation of Iraq, Iraq had, unfortunately, not provided all of the new information and documents which the Commission had requested and which would have greatly assisted efforts to bring the disarmament issues to closure.

5. In respect of each of the weapons areas, the Chairman gave the following assessment of the implementation of the schedule for work:

Missiles

6. The Executive Chairman stated that, in the missile warheads area, important progress had been achieved since the June meetings. A final assessment and accounting had begun.

7. The Commission was able to account for the destruction of between 43 and 45 of the 45 operational special warheads declared by Iraq as having been unilaterally destroyed in 1991. This constituted a major accomplishment.

8. It was necessary to note, however, that the discovery of the VX degradation products on some special warhead remnants could affect the accounting of special warheads. The VX issue needed to be resolved for the Commission to be in a position to assess if the current accounting of special warheads was sufficient to verify fully both the declared production of proscribed special warheads and their unilateral destruction.

9. Significant progress was also made in the accounting of proscribed conventional warheads, both imported and indigenously produced by Iraq. Iraq was asked to state whether the current accounting was final, or if further work would close the gaps. No answer was provided by Iraq.

10. A variety of issues related to the status of indigenous missile production, the material balance of some major components and the unilateral destruction thereof were reviewed in depth by a team of UNSCOM's experts. Those experts were still at work in Iraq at the time of the 3 August meeting.

11. Considerable progress had been achieved in the development of a rough material balance of components for engine production. Accordingly, the Executive Chairman expressed his satisfaction with the results achieved in the implementation of the schedule for work in this area.

12. In order to be able to state confidently that all proscribed weapons produced or acquired by Iraq have been destroyed, the Commission needed to be able to verify relevant elements of Iraq's declarations. In this context, the unilateral destruction activities, as declared by Iraq, do not match, in all cases, the evidence available to the Commission. This applies to special warheads and some elements of the indigenous production.

13. Iraq still needed to account for the unilateral destruction of proscribed missile propellants. The Commission reiterated its offer of a quick and accurate solution to this issue through the provision of existing documentation.

14. Regrettably, a promising effort to clarify some of the problems related to Iraq's actions of 1991 to hide proscribed warheads was terminated by the Iraqi side, through the refusal to discuss the issue further, just prior to the Executive Chairman's visit.

15. The Executive Chairman presented to the Deputy Prime Minister a suggested accelerated programme of work for the weeks prior to the submission of the October report of the Commission to the Council. This schedule included: the provision by Iraq of clarifications on the outstanding issues in the warheads area; a meeting of experts on this issue; and an inspection to verify accountable aspects of the material balance and the unilateral destruction of major components for indigenous production.

Chemical weapons

16. An expert meeting took place in mid-July, at Baghdad, in order to discuss with Iraq the results of the chemical analysis which had identified VX degradation products in samples of remnants of special warheads unilaterally destroyed by Iraq. After the review of the available results, the international experts judged, unanimously, that the analytical results were valid.

17. At the meeting, Iraq did not provide any technical explanation on a source of the degradation products of VX found in the samples. Instead, Iraq continued to state that it had never weaponized VX.

18. In the end, Iraq said that it would be possible to explain the presence of such degradation products, but that "the Commission would not like such an explanation". No explanation, however, was forthcoming.

19. Iraq did not provide its final declaration on the accounting for missing 155-mm mustard-filled shells. Iraq presented, verbally, a progress report on its investigation to locate remnants of munitions which were claimed to have been lost after the Gulf war. Further steps were agreed at the expert level necessary to achieve a reasonable accounting for these munitions.

20. On the issue of the accounting for R-400 aerial bombs, Iraq provided, in July, new documents on the disposition of the key components of these weapons, as well as some relevant clarifications. The documentation was reviewed by the Commission and found to be satisfactory. Accordingly, it was concluded that a further inspection could be able to make a final accounting. For this to prove to be the case, Iraq would have to provide data enabling UNSCOM to resolve the problem of the distribution of chemical and biological warfare agents in this type of aerial bomb.

21. On the issue of the movement of some equipment for the production of chemical weapons, Iraq provided explanations on the events under investigation. The explanation of movement of prohibited equipment found and destroyed in 1997 is important to resolve uncertainty about chemical weapons concealment. In order to allow the Commission to verify this information, and thus quickly resolve the issue, Iraq was requested to provide supporting documentation pertaining to the movement.

Biological weapons

22. In accordance with the schedule for work, a group of international and UNSCOM experts met in July 1998 at Baghdad with their Iraqi counterparts to review Iraq's declaration of full, final and complete disclosure of its

proscribed biological programme. This was the third such review by international experts since September 1997, when Iraq presented the current declaration of full, final and complete disclosure.

23. No new material was presented by Iraq at the meeting. While following a different methodology from the earlier efforts, once again, the international experts found that Iraq's declaration of full, final and complete disclosure was not adequate to allow for credible verification. This conclusion covered weapons, production of biological weapons agents and growth media.

24. The experts reported in the following terms:

(a) Weapons:

- None of the sub-components of the material balance of the R-400 aerial bombs (production, filling or destruction of filled or unfilled bombs) could be verified;

- None of the sub-components of the material balance of the Al-Hussein warheads filled with biological agents (production, filling or destruction) could be verified;

- The account of the drop tanks and the so-called "Zubaidi" spray device could not be verified;

(b) Production of agents:

- None of the sub-components of the material balance of the Clostridium botulinum toxin (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of the Bacillus anthracis spores (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of Aflatoxin (production, filling, losses or destruction) could be verified;

- None of the sub-components of the material balance of the wheat cover smut (production, losses or destruction) could be verified;

(c) Growth media:

- None of the sub-components of the material balance of the growth media (acquisition/procurement, use, losses or destruction) could be verified.

25. Although none of the sub-components of the material balance could be verified, there were some limited features of the Iraqi declaration that could be confirmed. However, no new material was presented by the Iraqi side.

26. It is clear that, unless additional supporting evidence is provided by Iraq for all the outstanding issues, the international experts could not see a solution to the very great and fundamental problems of the verification of Iraq's current declaration of full, final and complete disclosure.

27. The experts recommended that no further verification and/or assessment of Iraq's biological declaration of full, final and complete disclosure be conducted until Iraq commits itself to provide new and substantive information. They said that any other approach would be a waste of time.

IV. OTHER ISSUES

28. The Executive Chairman said that, in the June 1998 discussions, certain issues had been set aside from the schedule for work. They had been reserved for further discussions.

29. One such issue of importance was Iraq's programme for the chemical nerve agent VX. The Chairman suggested that this issue could be addressed during the current discussions, or taken up later when test results from laboratories in France and Switzerland were available. The Chairman left it open for Iraq to decide whether to take the issue up immediately or later.

30. A further issue related to the accounting for outstanding quantities of scud specific missile propellant. It would be helpful if this matter could be addressed during the current meetings.

31. The Executive Chairman also noted that concealment remained to be addressed.

V. THE RESPONSE OF THE DEPUTY PRIME MINISTER

32. Mr. Tariq Aziz said that it was of the utmost importance to distinguish between those issues which were major, and thus needed to be resolved before the disarmament requirements of Security Council resolution 687 (1991) were met, and those which were minor, and could be pursued in the monitoring phase of the Commission's operations.

33. Mr. Tariq Aziz said that, in fact, only two questions needed to be answered, in order for the Council to be able to act under paragraph 22 of Security Council resolution 687 (1991) to lift the oil embargo.

34. These were: whether Iraq retained any weapons of mass destruction, including long-range missiles; and whether Iraq retained capabilities for their production.

35. Mr. Tariq Aziz said that the answers to both of those questions were clearly in the negative. This had been established for a long time. Furthermore, any dual-use equipment retained in Iraq was under rigorous and intrusive monitoring.

36. The Deputy Prime Minister stated, indeed repeatedly, that the Commission had deliberately created an artificial confusion between major and minor issues in order to delay the lifting of sanctions.

37. Mr. Tariq Aziz stated that the Commission and its experts had been neither honest nor quick in their work of verification. In its persistent demands to reconstitute the facts of Iraq's unilateral destruction of proscribed weapons and materials in the second half of 1991, the Commission was playing a game which had the aim of delaying the closure of the disarmament files. Likewise, the Commission's never-ending demands for documents was part of the endless game.

38. Mr. Tariq Aziz stated that the whole or fundamental approach of the Commission to the issue of the verification of Iraq's declarations and disclosures was the main reason for the endless delays.

39. On the issue of VX, Mr. Tariq Aziz confined his response to statements to the effect that it was illogical for Iraq not to declare VX-filled warheads when it had already declared "more deadly" anthrax warheads. Anyhow, the VX issue related to destroyed weapons. He was sure that a "chemical" explanation could be found by Iraqi experts. He said he would not discuss it further with the Commission but that Iraq would present its case on VX to the international community.

40. On the recent meetings of international experts to assess Iraq's declaration in respect of the biological weapons area, Mr. Tariq Aziz accused the Commission of having "brainwashed" the international experts "in a sinister atmosphere".

41. The approach to verification of Iraq's biological declaration, adopted by the Commission, had been entirely wrong. It had been based on a Western approach and on Western standards. Iraq was a developing country and its efforts should be judged in this light.

42. Mr. Tariq Aziz repeated Iraq's contention that its biological programme had been entirely obliterated in 1991. Furthermore, Iraq had never used biological weapons. He said that the Commission's experts had persistently ignored the issue of the degradability of biological agents, produced more than eight years ago, which would render them useless at the present time. Furthermore, in respect of Iraq's production and stocks of biological agents, the Commission had ignored the "first class" documents provided to the Commission by Iraq.

43. The Deputy Prime Minister asked, if Iraq's declaration on its biological weapons programme was unverifiable, as asserted by the Commission, why had the Commission destroyed the Al-Hakam facility?

44. The Deputy Prime Minister said that the Commission's approach implemented the wish of the United States of America and the United Kingdom of Great Britain and Northern Ireland to maintain sanctions. The Executive Chairman rejected those assertions.

45. In the missile area, the Deputy Prime Minister said that the Commission was endlessly prolonging the process by asking irrelevant and trivial questions, and by demanding documents on irrelevant and trivial matters. He later showed an edited videotape of an inspector asking what he deemed examples of trivial questions.

46. The Deputy Prime Minister also rejected the Executive Chairman's suggestion that the issue of accounting for missing proscribed missile propellant should be addressed now. He said it was a minor issue that could be addressed at a later stage during monitoring.

47. In summing up his position, the Deputy Prime Minister repeatedly called upon the Executive Chairman to report "the truth" to the Security Council - that Iraq had no proscribed weapons or capabilities in any of the areas within the mandate of the Commission. He said that the Chairman should not be swayed by his experts, who were not objective.

VI. THE RESPONSE OF THE EXECUTIVE CHAIRMAN

48. The Executive Chairman responded to Mr. Tariq Aziz's observations. In summary, he said that Iraq had no right to determine what was major and what was minor and what was needed to satisfy the Security Council's requirements. The Security Council had always intended that Iraq declare all its proscribed weapons and programmes, so that the Commission could verify them and then supervise their disposal. All of this was supposed to take 90 days.

49. The Executive Chairman said that the Commission would continue to implement its mandate as laid down by the Council. It could only do so with the cooperation of Iraq, but its work could be directed by the Security Council alone. He rejected charges that the Commission and its experts had been dishonest, slow and had deliberately created confusion. The responsibilities for delay lay elsewhere, as shown by the following key facts:

- From the very beginning, in April 1991, Iraq had taken a fundamental decision not to comply with the Council's requirements, through the adoption of a policy of concealment;

- From 1991 onwards, its declarations had not been full, final or complete;

- Iraq had immensely complicated the entire process of verification through unilateral destruction, which was conducted in contravention of the Council's requirements.

50. As an example of how Iraq's policy and practices had delayed the completion of the Commission's responsibilities in respect of disarmament issues, the Chairman referred to the destruction of Al-Hakam which had been raised by the Deputy Prime Minister:

- Until July 1995, Iraq had denied - and the Deputy Prime Minister had said that this had been done under his personal instructions - that it

had any offensive biological weapons programme. Iraq had also repeatedly denied that Al-Hakam was a facility for the production of biological warfare weapons;

- The Commission had come to its assessment of Al-Hakam as having played a crucial role in proscribed biological weapons activities in Iraq after conducting intensive verification work. This work included development of material balances of components including growth media, technical analysis and evaluation of equipment acquired by Iraq, consultations with international experts knowledgeable in weapons production, site inspections in Iraq and interviews with Iraqi personnel. Employment of these inspection and verification tools had proved to be valuable in obtaining solid and correct conclusions. These tools had been employed, both in respect of Al-Hakam and Iraq's biological warfare programmes as a whole, despite Iraq's continued arguments that the Commission was asking minor and trivial questions, that it was overlooking the basic facts, that it was too intrusive and that the Commission's experts lacked competence and were dishonest.

51. The Chairman rejected personal attacks which had been directed against the Commission's experts and officers. Those attacks were unworthy. They impugned the professionalism and integrity of the experts and other officers concerned.

52. On the issue of the Commission's requests for documents, the Executive Chairman stated that, in trying to put together a complete picture, as soon as possible, of Iraq's proscribed programmes, the Commission had frequently requested, but had been denied, documents known to exist. Those documents were in the possession of the Government of Iraq and could expedite the work of verification enormously. They were not trivial.

53. The difficulties encountered were illustrated by the most recent example cited in the Executive Chairman's letter of 22 July 1998 to the President of the Security Council which was brought informally to the attention of the members of the Council. In that case, Iraq had refused to accede to a request by a chief inspector to be furnished with a copy of a document highly pertinent to obtaining a verifiable material balance of Iraq's munitions filled with chemical or biological agents. This document had been placed under seal pending the Executive Chairman's visit to Baghdad. The President of the Council had requested the Permanent Representative of Iraq to ask the Government of Iraq to give the document to the Commission. The Chairman had asked that he be provided with that document or an authentic copy of it.

54. On Mr. Tariq Aziz's demand that the Executive Chairman report to the Council that Iraq no longer possessed any proscribed weapons or capabilities, the Chairman responded that he was unable to do this on the basis of the level of verification so far achieved. To do so would be contrary to his mandate and to the requirements of the Security Council. He was not permitted to make disarmament by declaration. He needed to base any finding on credible and solid evidence. If he were to do otherwise, members of the Council would challenge his claim that Iraq had no more proscribed weapons or capabilities. He needed the supporting evidence. Iraq alone could provide that evidence.

55. Nevertheless, the Chairman undertook to inform the Council of both Iraq's request that the Chairman report immediately that Iraq no longer had any proscribed weapons and capabilities and of the Chairman's reply to the Deputy Prime Minister.

VII. PROPOSAL FOR A FURTHER SCHEDULE OF WORK

56. The Executive Chairman proposed to Mr. Tariq Aziz that, for the rest of the visit, they both immediately undertake a serious consideration of a number of substantive issues that might help to clarify what remained and define the framework of solutions for outstanding problems: the issues related to VX and the unilateral destruction of special warheads. The Executive Chairman also requested that a copy of the document on the consumption of special munitions that Iraq had withheld from the Commission be returned and that both sides study the implications of its data on the verification in the chemical weapons area.

57. The Executive Chairman also proposed that both sides then proceed to the elaboration of a programme of intensive work for the next four to five weeks, that is, before the submission of the Commission's semi-annual report to the Security Council in October. He proposed to conduct specific meetings, inspections and the provision of documents on several issues related to the missile and chemical weapons areas.

58. These proposals were not accepted by the Deputy Prime Minister. He also rejected the Executive Chairman's request for an authentic copy of the document regarding Iraq's expenditure of non-conventional munitions during the Iran-Iraq war. He said that the document was irrelevant to the work of the Commission. The Commission's work related only to the Council agenda item concerning the situation between Iraq and Kuwait. It did not extend to the issue between Iraq and Iran. Iraq, he said, would never give it to the Commission.

VIII. IRAQ'S DECISION

59. Mr. Tariq Aziz stated that there were no more proscribed weapons and materials in Iraq. He asked the Executive Chairman to report that fact, unless the Chairman had any evidence to prove the contrary, in which case, the Chairman had to disclose it to Iraq.

60. The Deputy Prime Minister stated that if the Executive Chairman was not prepared to report immediately that Iraq was in compliance, and thus tell the truth, there was no reason to believe that he would do so in October. Therefore, the Deputy Prime Minister wondered why he should continue working with the Executive Chairman or UNSCOM experts. He would not engage with them in any further programme of work. It was "useless".

61. The Deputy Prime Minister said that, as the Executive Chairman was not prepared to report to the Council in the terms he had proposed, namely, that Iraq had no weapons of mass destruction or capabilities, no useful purpose could be served by holding any further meetings, either at the policy or expert levels.

62. The Executive Chairman inquired whether Mr. Tariq Aziz was also suggesting terminating cooperation with the Commission in respect of its monitoring operations. The Deputy Prime Minister said that he was not prepared to reply to this inquiry. He would report to the Iraqi leadership on the outcome of his meetings with the Executive Chairman. The leadership would take the required decisions.

63. In reply to a question from the Executive Chairman, the Deputy Prime Minister said there would be no point in meeting again the following day, as had been planned, unless the Executive Chairman was prepared to agree to Iraq's position. Accordingly, no further meeting took place on 4 August.

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LETTER DATED 5 AUGUST 1998 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press statement issued today, 5 August 1998, by the Ministry of Foreign Affairs of the State of Eritrea concerning the meeting of the Ministerial Committee of the Organization of African Unity on the Eritrea-Ethiopia conflict, held from 1 to 2 August (see annex).

I should be grateful if you would kindly circulate this letter and its annex as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

98-22901 (E) 060898

/...

Annex

Press statement issued 5 August 1998 by the Ministry of Foreign Affairs of the State of Eritrea

The Ministerial Committee of the Organization of African Unity on the border conflict between Eritrea and Ethiopia will submit its recommendations to the Heads of State of the three countries in the next few days. The Committee underlined that these recommendations "will be fair and will take into account the legitimate concerns of the parties and the ideals of the Organization of African Unity".

The Ministerial Committee, which is composed of Burkina Faso, Zimbabwe and Djibouti, was convened at Ouagadougou from 1 to 2 August 1998 to review the findings of the Committee of Ambassadors that had visited Eritrea and Ethiopia earlier in July. Separate sessions with the Ministers for Foreign Affairs of Eritrea and Ethiopia were also held to exchange views and explore avenues for a peaceful solution.

In its final communiqué, the Ministerial Committee welcomed "the disposition reiterated by both parties to seek a peaceful solution to the dispute" and urged them "to continue their observance of the moratorium on air strikes and the present situation of no hostilities". The Government of Eritrea had expressed its readiness for an immediate and unconditional cessation of hostilities and the placement of African observers under the auspices of the United Nations, pending a comprehensive peaceful solution to the conflict. However, the Minister for Foreign Affairs of Ethiopia told the Ministers that Ethiopia did not accept the cessation of hostilities and the placement of an observer force.

In regard to the substantive aspects of the conflict, the Ministerial Committee acknowledged that the two parties continue to hold "divergent points of view both on the origin and evolution of the dispute and the issues which must be considered to resolve the crisis". But it added that this should not preclude "the spirit of compromise to prevail", which will make it possible to respond to the fundamental concerns of each of the parties while respecting the principles of the Organization of African Unity.

The Government of Eritrea has all along maintained that the root cause of the dispute lay in Ethiopia's violation of Eritrea's colonial boundaries. Focus on secondary issues will therefore be unhelpful and only derail the peace process. Ethiopia's insistence on ascertaining first "which authority was administering Badme prior to the clashes of 6 May" was thus an obstructive posture mainly designed to divert the peace process. This glossed over Ethiopia's use of force earlier in July 1997 to occupy Adi-Murug, as well as to encroach on areas around Badme. Under these circumstances, "administration" in itself was not valid if the process by which that administration had been established was illegal. What is of paramount importance is to establish where Badme, Adi-Murug and other areas were situated within the recognized boundaries.

The Ministerial Committee emphasized that it "understands the viewpoint of Eritrea on the origin of the conflict" and underlined its concerns "about the incidents which have taken place at other places on the common border in July 1997". It noted that Badme town was administered by the Ethiopian authorities prior to the eruption of the recent round of clashes. But it acknowledged that this "does not obviously prejudge the final status of that area, which will be determined at the end of the delimitation and demarcation process and, if necessary, through arbitration".

In regard to violation of human rights and treatment of nationals by both sides, the Ministerial Committee stated that "it could not establish the reality of a systematic or official action directed against Ethiopians in Eritrea". But it expressed its deep concern about "the conditions under which the deportation of Eritreans was carried out by the Government of Ethiopia, the decision to extend those measures to the families of the deported persons and the fate of their properties".